

Police and Crime Panels One Year On: Submission to the Home Affairs Select Committee

Purpose

For discussion and direction.

Summary

In its recent publication, *Police and Crime Commissioners: power to remove Chief Constables*, the Home Affairs Select Committee reiterated its intention to hold an inquiry into PCCs as they approach the first anniversary of taking office. The Board agreed at its last meeting to participate in the inquiry. This report anticipates the formal announcement of the inquiry and sets out a draft submission which focuses on the experience of Police and Crime Panels.

The submission draws on the research commissioned by the LGA and undertaken by the Centre for Public Scrutiny.

Recommendations

Members are asked to:

1. Consider, amend and agree as appropriate the key messages for the submission as set out in **paragraphs 5-23**.
2. Agree that, following the publication of HASC's terms of reference for its inquiry into PCCs One Year On, the draft submission, as revised through the Board's discussion, will be reviewed and a final version will be circulated to lead Members for agreement before submission.

Action

Officers will take action as directed.

Contact officer: Eamon Lally
Position: Senior Adviser
Phone no: 0207 664 3132
Email: Eamon.lally@local.gov.uk

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Background

1. Police and Crime Commissioners (PCCs) have now been in post for a year. The Home Affairs Select Committee (HASC) has indicated that it will undertake an inquiry looking at the first year of their tenure. The terms of reference for the inquiry are expected to be published in early to mid-November. Given the interest that HASC has taken throughout the year in the activities of Police and Crime Panels it is likely that its inquiry into PCCs One Year On will also cover the practice of Panels.
2. At its meeting on 9 September 2013, the Board agreed that it would provide a submission to the HASC inquiry.
3. Partly in anticipation of the inquiry, the Centre for Public Scrutiny (CfPS) was commissioned to undertake a study looking at the experience and learning of Police and Crime Panels over the last year. The key points for the draft submission are set out below and draw on the initial findings of the CfPS work.
4. In undertaking the research, CfPS has carried out telephone interviews with PCP support officers in all 41 affected police areas in England and Wales. It has also spoken to some PCP Chairs and Police and Crime Commissioners, and to a number of independent Panel members. CfPS also undertook desktop analysis of information available online about PCP activities. Throughout the year CfPS has had the opportunity to have a significant number of face-to-face conversations with Panel members. CfPS has also been involved in delivering training, development and support to seven English Panel areas, funded by the LGA. Information from these events has been fed into the research.

Key points for the Draft Submission

5. The key points suggested for inclusion in a draft submission are set out in the following paragraphs. A full submission will be completed once HASC has published its terms of reference for the inquiry.

Effectiveness of Police and Crime Panels

6. Despite a lack of clarity from Government over key issues, such as the legal framework for Panels within local government law, all Panels were in place by 22 November 2012, some operating in shadow form for a number of months prior to going live.
7. The reforms are young and it is too early to pronounce on their overall effectiveness. However, the vast majority of Panels have entered into the work of scrutinising PCCs diligently and effectively. Panels have successfully undertaken their statutory duties and many Panels have met more than the four times a year initially envisaged.
8. It is much too early to assess whether the work of Panels has led to improved outcomes for communities. However we do know that in a number of cases Panels have successfully influenced the content of Police and Crime Plans and this is positive.

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9. We are also beginning to understand the factors that will enable panels to be effective. These include:
- 9.1. Planning and prioritising its work effectively and in line with the PCC priorities as set out in the Police and Crime Plan;
 - 9.2. A more proactive approach to scrutiny which includes carrying out independent research and reviews where appropriate;
 - 9.3. Understanding the Panels “niche” in the local governance and accountability landscape and working in partnership with the main actors to maximise its influence;
 - 9.4. Building and maintaining strong relationships, particularly with the Police and Crime Commissioner.
10. This is not an exhaustive list but these factors are in evidence where Panels are working well. These factors are expanded on below together with the implications for resourcing.

Relationships between Police and Crime Commissioners and Police and Crime Panels

11. The success or failure of Police and Crime Panels owes itself, in every area, to the quality of the relationship between the Police and Crime Panel, the Police and Crime Commissioner and the Office of the Police and Crime Commissioner. In many areas the relationship between the PCC and the Panel provides a sound basis for good scrutiny. Where relationships have been more difficult it often seems to stem from mutual misunderstandings about the Panel’s role.

Information sharing

12. Research commissioned by the LGA indicates that some Panels have found it difficult to get hold of even basic information about PCC planned decisions. This has not been helped in some cases by the lack of a forward plan of decisions and also in some cases an unwillingness on the part of the Commissioner, or the Commissioner’s office, to engage the Panel in policy development.
13. The Commissioner is obliged to publish information on decisions which are of “significant public interest”, but the legislation does not define what this means. Some Commissioners themselves have not sought to decide what the definition of such a decision might be, although a number have published policy statements outlining how “significant public interest” will be defined.
14. Panels have also had difficulty obtaining the detail relating to decisions once they are made. The guidance notes issued further to the 2011 Regulations did suggest that background papers should be made available. However, there is no legal requirement to do this.
15. Our experience, involvement and discussions show that fundamental issues about the transparency of decision-making, expectations around information sharing and the ability of Panels to transact their statutory duties can best be resolved by discussion and agreement, locally, about the mutual roles and responsibilities of the various individuals, bodies and partnerships with a stake in partnership policing.

The need to strengthen the legislative framework

16. However, strengthening the legislative framework would also be beneficial. PCPs could benefit from:
- 16.1. The introduction of a requirement into the Elected Local Policing Bodies (Specific Information) Regulations 2011 for PCCs to produce a forward plan of key decisions
 - 16.2. Inserting a definition about what constitutes a decision of significant public interest into the regulations governing what information PCCs have to publish.
17. Beyond these suggested legislative changes the LGA does not consider that PCPs require additional powers, although Panel members have expressed a range of views on this matter. Panels are scrutiny bodies, which exist to hold the PCC to account, not to make decisions in concert with the PCC or to overturn decisions made by a democratically elected individual. We believe that the current range of powers is broadly sufficient for this purpose.

Working in partnership

18. Now that Panels are moving beyond the statutory elements of their role into a more proactive approach to scrutiny, there is an opportunity to come together with PCCs, CSPs, CSP scrutiny committees and Chief Constables to agree ways of working that go beyond the Policing Protocol. Such agreement could provide a means to resolve common areas of friction around the “balance” between supportive work and scrutiny, and the meaning of the operational/strategic division.

Budget setting scrutiny

19. It is clear to us that Panels recognise that the budget for 2014/15 provides the first opportunity for PCCs to really influence policing plans. Scrutiny of budget setting will be an important element of the work of Panels over the next few months. In order for scrutiny to be meaningful Panels will need to see relevant information on options, budget outlines and priorities as early as possible. Some Panels fear that this information will not be available until January 2014, which will give very little time for scrutiny. We would urge PCCs to share budget setting information with Panels at the earliest opportunity.
20. Panels are now beginning to focus their attention much more on scrutiny and support for PCCs now that the statutory work, including confirmation hearings, being conducted in the early part of the year has concluded. Panels will now be able to take on a more proactive and strategic role which will be beneficial to PCCs and the communities they serve. This approach will be most effective when the scrutiny is undertaken as part of an annual planned programme that is focused on the priorities set out in the police and crime plan.

Visibility and public engagement

21. There is still concern that the reforms in their totality have not registered significantly on the public’s consciousness. PCCs have and are developing engagement strategies which

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will help in raising awareness of the significance of the reforms. There is also a key role for Panels to engage the public in the scrutiny process, particularly as this scrutiny becomes more proactive. All Panel meetings are held in public and there are opportunities for questions from the public. A number of Panels webcast their meetings and this is useful as in many cases the policing areas are very large. Use of social media, and contact with representative groups (such as residents' associations) could also help in supporting wider public engagement.

Resources

22. In the 2013/14 financial year the Home Office made available £53,000 for each Police and Crime Panel. This funding has been used to provide secretariat support for the Panels. There is only one example where this basic funding has been supplemented by local authority contributions although in many cases non-financial resources are being provided in kind. Future funding from the home office has not yet been confirmed and this needs to happen in order to give the Panels some financial stability.
23. It seems unlikely in this financial climate that local authorities will be able to provide much in the way of financial support. The limited amount of funding that is available will place a ceiling on the scale of work that Panels will be able to undertake and will require panels to be innovative in how they access expertise and knowledge to support the scrutiny process.

Next steps

24. Members are asked to:
 - 24.1. Consider, amend and agree as appropriate the key messages for the submission as set out in **paragraphs 5-23**.
 - 24.2. Agree that, following the publication of HASC's terms of reference for its inquiry into PCCs One Year On, the draft submission, as revised through the Board's discussion, will be reviewed and a final version will be circulated to lead Members for agreement before submission.