

DERBYSHIRE POLICE AND CRIME PANEL

**REPORT OF THE DIRECTOR OF LEGAL SERVICES OF DERBYSHIRE
COUNTY COUNCIL**

**REGIONAL COLLABORATION AND PCC BUDGET MONITORING
WORKING GROUPS**

14 September 2017

1. Purpose of Report

To confirm membership to the Panel's standing working groups on regional collaboration and budget monitoring.

2. Information and Analysis

At the last Panel meeting on 13 July 2017, members discussed membership of the regional collaboration and budget monitoring working groups. As agreed at the Panel meeting, Panel members received further information on the role and objectives of these two working groups. The information is also in Appendices one and two.

If membership is approved for both working groups, work programmes and a timetable of meetings will be developed, proposed to be on a quarterly basis. Appendices one and two provide information on the proposed key lines of enquiry for both working groups. However, it is anticipated other areas of scrutiny will develop over time. Members will note that the Office of the Police and Crime Commissioner has offered continued support for both working groups, providing officer resource with regard information provision etc...

3. Other considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, social value, health and transport considerations.

4. Background papers

Files held by the Improvement and Scrutiny Officer.

5. OFFICER'S RECOMMENDATIONS

That the Panel appoints;

1. Members to the PCC budget monitoring working group
2. Members to the regional collaboration working group

John McElvaney
Director of Legal Services
Derbyshire County Council

Derbyshire Police and Crime Panel working group: Regional Collaboration

Working group's lines of inquiry and remit

Purpose of report:

Inform Panel members of the lines of inquiry and remit of the regional collaboration working group.

Information and analysis:

The Panel agreed at its pre-meeting on 17 November 2016 to establish a working group to look in more detail at regional collaboration of Police and Crime Commissioners (PCCs) and police forces. Furthermore, the Panel agreed on 26 January 2017 for it to be a standing working group and for regional collaboration to be a standing agenda item.

The activity of the working group to date has included:

- Working group members being briefed on regional collaboration developments and associated budgets
- Meeting with the Chair of the Nottinghamshire PCP to discuss regional collaboration activities and how to support and challenge the respective PCC's
- Discussion with Nottinghamshire PCP on taking forward a regional collaboration workshop for East Midland Panels and their respective PCC's and Chief Constables (as updated to the Panel on 13 July 2017)

It is proposed the working groups will continue to meet three or four times a year (more if necessary) to monitor developments and proactively scrutinise both the PCC regional collaboration activities. Meetings usually take between 1-2 hours.

At the Panel meeting on 13 July, the PCC offered the support of his Chief Executive to meet with working group members to help follow up on lines of inquiry etc.

The working group will also be able to utilise the East Midlands PCP Network, which is formed by officers and Panel member representation from each of the 5 East Midland Panels. Of course, further discussions can take place with

Panels nationally, which can be facilitated through Frontline Consulting, whom the Panel pay for such services.

Key Lines of enquiry:

The issue of collaboration, both nationally and regionally is one which needs to be monitored, challenged and supported by the Panel. The working group could look to breaking down collaboration into different areas to help simplify what can be complex arrangements. For example:

- The strategic vision of collaboration by the PCC.
- The governance, performance management and accountability of East Midlands Regional Collaboration by PCC's.
- Financial Management of regional collaboration
- Blue Light collaboration
- Back office collaboration

With this in mind, the working group is looking to do the following:

- Request information from the OPCC Chief Executive to understand the current and future accountability arrangements for regional collaboration.
- Request the PCP working group on budget monitoring to challenge and support PCC's financial management of regional collaboration.
- Examine Blue Light innovations to challenge and support the PCC in areas which the Panel feel could be valuable.
- Work with the East Midlands Police and Crime Panel Network to challenge and support regional collaboration developments.
- Examine the work being carried out on back office collaboration.

The sources of information include the following:

- East Midlands Regional Collaboration Board
- Police and Crime Commissioner offices from across the region and nationwide
- East Midland PCP Network
- HMIC reports
- Home Affairs Select Committee reports

At the next Panel meeting on the 14 September, a paper will request members to be part of the working group. The objective of the working group will be to understand better how the budget is being spent by the PCC and allocated to the Police. This will fulfil the Panel's duty to challenge and support the PCC.

The legislative context:

The Police Reform and Social Responsibility Act 2011 strengthened the duties of Police Chief Constables and Police and Crime Commissioners (PCCs) to keep collaboration under review and to collaborate where it is in the interests of effectiveness. Indeed, where collaboration is judged to be the best option, a Police Chief has to pursue it even if his/her own force would not benefit directly.

Where collaboration is judged to be the best option, they must collaborate. Additionally, where collaboration would provide the best outcome for another police force or group of forces, then a chief officer or policing body (e.g. PCC) should pursue it – even if they do not expect their own force to benefit directly itself. This is designed to ensure that collaboration takes place wherever it is in the wider public interest.

National developments:

HMIC states that as force collaborations become more mature, while increased collaborative working is generally positive, forces need to analyse the benefits of collaborating effectively both with other forces and with other agencies, and to make informed and intelligent decisions about collaborative working arrangements.

For example, Northamptonshire Police's shared rural intervention vehicle can be deployed for a wide range of tasks and is used in joint investigations into cases of arson. The force also shares an emergency planning team with the fire service, which plans all civil contingency and preparedness and is based in the fire service's headquarters. North Wales Police has a joint arson prevention unit. In Cambridgeshire Constabulary, the Safer Peterborough Partnership is a multi-agency initiative aimed at improving the efficiency and effectiveness of responding to crime and disorder. There is Police staff along with 23 other agencies including housing enforcement, social landlords, the troubled families' initiative, the anti-social behaviour (ASB) team and fire officers.

The strongest forces work in partnership, not only to respond to demand, but to ensure demand is dealt with consistently across services and to reduce demand through community crime prevention and early intervention. Cheshire Constabulary takes part in the 'Altogether Better' programme, which integrates public services to support troubled families and domestic abuse victims. The

programme offers a single point of entry to people for triage (initial assessment) and needs assessment services.

While there are some good examples of strong partnership working within and outside policing, there remain a number of missed opportunities. Some areas of joint working have not changed much since last year and some forces have cancelled plans for further collaborative work. In at least one case, this was because the force made an informed decision not to go ahead based on the lack of worthwhile benefits.

However, this is not always the reason. HMIC found that there are still too many examples of forces unable to demonstrate clearly the benefits of their collaborative or partnership working, and which are not taking advantage of potential efficiencies that can be made. In some cases this has led forces into collaborative working arrangements that may have little benefit for the public or for the efficiency of the force, and may actually be causing the force to perform less well.

HMIC also observed that collaborative working with other police forces is much less ambitious in large metropolitan forces, where the focus tends to be on jointly buying equipment and services rather than wider joint working.

Regional developments (from the Derbyshire Police and Crime Plan):

The Derbyshire PCC states in his Police and Crime Plan 2016-21:

“For over ten years forces and police authorities/PCCs within the East Midlands Region have collaborated on a wide range of activities, both formally and informally.

These collaborations have greatly enhanced specialist capabilities and resilience within the region as well as delivering significant savings to participating forces. Senior government officials have often cited the East Midlands’ approach to collaboration as best practice, challenging other areas to learn from our regional experience.

As the collaborative approach has matured we have been able to develop a mix of collaborative activity that sees two, three, four or all five forces taking part. Recently work was completed on an IT collaboration that saw the largest collaboration of its type in the world being delivered. This project will allow all five forces to share intelligence data more efficiently and has already helped in detecting crime and prosecuting offenders. *HMIC have made mention of the East Midlands Special Operations Unit (EMSOU).*

As Commissioner I wish to build upon this strong foundation and work with my fellow Commissioners and policing colleagues in the East Midlands region to

continue to explore ways in which forces can work together. Driving the collaboration agenda are five guiding principles:

- That local policing remains local
- That any collaboration helps deliver a more efficient and/or effective policing service for Derbyshire
- That all areas of business are considered
- That decisions not to participate in a particular collaboration are reviewed regularly, as circumstances may change
- That any costs and/or benefits are shared between participating forces

The five regional Commissioners and Chief Constables will continue to meet regularly to discuss regional collaboration, reviewing existing collaborative work and understanding the business cases for future collaboration”.

Derbyshire Police and Crime Panel working group: Budget Monitoring

Working group's lines of inquiry and remit

Purpose of report:

Inform Panel members of the lines of inquiry and remit of the budget monitoring working group.

Information and analysis:

The Panel agreed at its pre-meeting on 28 January 2016 to establish a working group to look in more detail at the Police and Crime Commissioner's (PCC's) in year and longer term budgets. Furthermore, it was agreed at the January 2017 Panel to support and challenge the PCC's community grant activities.

The activity of the working group to date has included:

- Working group members being briefed by the Chief Finance Officer (CFO) from the PCC's office on how the budgets are put together
- Discussions with the CFO on in year budget monitoring and how it is reported to the Strategic Governance Board
- The delivery of financial training to Panel Members
- Briefing by the CFO on the budget in advance of the annual pre-cept meeting with the Panel

It is proposed the working groups will continue to meet three or four times a year (more if necessary) to monitor developments and proactively scrutinise the PCC budget. This includes ongoing monitoring of the PCC's in year and longer term budgets, with a view to being able to advise the Panel especially for the annual pre-cept report. Meetings usually take between 1-2 hours.

At the Panel meeting on 13 July, the PCC offered the support of his Chief Finance Officer to continue to meet with working group members to help follow up on lines of inquiry etc.

Key Lines of inquiry

The following will be the working group's key lines of inquiry:

- Previous year's budget
 - Over/underspends and why
- Current year's budget
 - Revenue budget
 - Choices, options and decisions
 - Monitoring the delivery of agreed savings programme(s)
- The capital budget
- The medium term financial plan
 - Robustness of assumptions
 - Service consequences
- Reserves
- Ongoing scrutiny of budget
- Awarding and monitoring of community grants by the PCC

The sources of information will be as follows:

- Budget reports which go to the Strategic Governance Board
- Joint, Audit, Risk and Assurance Committee (JARAC)
- Grant Scheme update reports
- Precept report
- Community Safety Partnerships
- Commissioned victim support partner reports
- HMIC PEEL inspection reports
- Home Affairs Select Committee reports

At the next Panel meeting on the 14 September, a paper will request Members to be part of the working group. The objective of the working group will be to understand better how the budget is being spent by the PCC and allocated to the Police. This will fulfil the Panel's duty to challenge and support the PCC.

National Developments:

The establishment of a working group, made up of members of the Police and Crime Panel, presents the opportunity to investigate a specific topic in-depth and to make recommendations for development and improvement which can be submitted to the Police and Crime Panel (PCP) and the Police and Crime Commissioner (PCC) for their consideration.

It is important to ensure that there is a clear focus for the working group and that a positive contribution is made to understanding the priorities of the PCC and how those priorities will affect delivery of policing and community safety. Gathering and considering such evidence throughout the year should help the

Panel scrutinise the PCC effectively on the Police and Crime Plan, the Annual Report and the precept.

The focus of the work of this task and finish working group should be confined to the role and function of the PCC and on assessing the Commissioner's performance, particularly in relation to the priorities he has identified within the Police and Crime Plan for Derbyshire.

When considering assessing the performance of the PCC it will be important to have a clear understanding of what is an operational matter and beyond the remit of the Panel; this will have an effect on the way that Panel engages with the PCC and the Chief Constable. The Home Office protocol (which was included in Panel Members' induction packs) provides guidance on what is, and what is not, an operational matter. Under section 2 of the Police Reform and Social Responsibility Act 2011 'a police force, and the civilian staff of a police force, are under the direction and control of the chief constable of the force'.

That direction and control (i.e. operational management) will include:

- A decision whether, or whether not, to deploy police officers
- Absolute discretion to investigate crimes and individuals as he or she sees fit
- The decision to make an arrest (subject to the arresting officer being satisfied that the grounds for an arrest are made out)
- A decision taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the PCC
- A tactical operational decision to reallocate resources to meet immediate demand, and
- The allocation of officers' specific duties and responsibilities within the force area to meet the objectives set by the PCC.

The Panel should not expect to consider the first three points. The last three are slightly more fluid, as they impinge upon the strategic role of the PCC; the context of any questions and assessment here should relate to the strategic direction that the PCC has set.

There are a number of factors that the task and finish group will need to consider including:

- Identifying whether the group should focus on looking back at past performance, learning lessons and applying these to future practices
- Engage in policy development, allowing the Panel to influence decisions before they are made – allows the Panel to constructively assist the PCC in this area

- Or a combination of both

The working group will need to be aware of not duplicating PCC's own internal systems and be mindful of the fact that the PCC, representatives of his secretariat and of the constabulary are under no obligation to attend working group meetings.

PCC Budget Support and Challenge

Following a review of other PCPs use of working groups, budget and precept scrutiny work has featured as a key task. Detailed preparation has been facilitated by using working groups or informal workshops (such as the Suffolk, Thames Valley and West Mercia Panels have done) and enlisting OPCC staff to provide early information (e.g. Essex and Northamptonshire). For its budget scrutiny work, Essex PCP used OPCC and HMIC data to ask challenging questions about the PCC's budget and precept proposals.

More panels are adopting a year-round approach to budget scrutiny, maintaining a 'big picture' view of financial pressures and arranging to see detailed information early, as Cumbria PCP has done for example. Other panels, such as Northamptonshire and Lincolnshire, have held preparatory meetings, with input from their OPCCs; or taking a task group approach to develop key lines of enquiry, as Essex, Nottinghamshire, Suffolk and West Mercia, to name a few, have done.

Following research on how PCPs have worked with PCCs on budget information and approval of precepts, lessons emerging include PCPs receiving papers early enough with sufficient background information to provide context and to be able to develop robust lines of enquiry. A pre-agenda meeting, far enough in advance, between the PCP and the OPCC/PCC can sort out the agenda for the precept meeting, the reports needed and their expected quality.