

DERBYSHIRE POLICE AND CRIME PANEL
REPORT OF THE DIRECTOR OF LEGAL SERVICES OF DERBYSHIRE
COUNTY COUNCIL
FEEDBACK ON CONSULTATION FOR NATIONAL REPRESENTATION OF
POLICE AND CRIME PANELS
14 September 2017

1. Purpose of Report

To approve the feedback on the consultation for national representation of Police and Crime Panels (PCPs).

2. Information and Analysis

The Chairman of the Panel received a consultation paper in August 2017 with regard to developing national representation of PCPs. This consultation paper was written by member and officer representatives from PCPs across the country, as agreed following the Local Government Association Police and Crime Panel conference in July 2017. The consultation paper requested feedback on different options of developing national representation, from a national association, a special interest group or a combination of the two.

The Panel's proposed feedback to the consultation paper is in Appendix one. If approved, the feedback will be sent to the relevant officer. The deadline for responses is 22nd September 2017. The following timeline is also proposed to develop national representation:

- A paper containing the results of the consultation including options/recommendations would be circulated by 13 October.
- Options and recommendations would be discussed at the PCPs' Annual Conference on 6 November in Birmingham and a decision made as to the way forward.

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 approves the feedback to the consultation.

John McElvaney
Director of Legal Services
Derbyshire County Council

Derbyshire Police and Crime Panel

**Feedback on consultation on proposals for national representation of
Police and Crime Panel.**

Introduction

Since the inception of Police and Crime Commissioners (PCC) in November 2012 and the associated provision of Police and Crime Panels (PCPs), there has been a growing consensus of a need for a national representation of panels.

Following meetings of PCPs across England and Wales in February and July 2017, it was agreed to take forward proposals on how such a national representation could be developed. The consultation paper, written by a working group of members and officers of PCPs, which was received in August 2017 is at the end of this report. This sets out options on national representation. This paper provides feedback on these proposals.

Feedback

Following consultation with the Chairman and Vice-Chairman of the Panel, together with officers from the Host Authority of the Panel, it was felt that as a Panel we do require a platform to strengthen our position but with minimal or no cost to Panel resources. At Derbyshire PCP meetings in the past, there has been a general consensus that PCPs should be involved more fully in national policy development.

It is, therefore, recommended that the Panel agree to the working group's proposal of a special interest Group to be set up. This will act as a stepping stone to the establishment of a national association in the future.

This proposal will provide a quick route to having a national voice, through the established platform of the Local Government Association (LGA). This route will also provide for limited administration and facilities support. Additionally, there would be no cost to the Panel as it would be covered by the Host Authority's LGA membership. Furthermore, it would provide some time for PCPs across the country to develop credible and practical policies through a national association.

Providing further feedback on the consultation paper, the Panel feel the following points should be noted in the development of national representation:

- The basic tenet of equal representation from all its members is to be applauded. However, accountability should always lie with representatives of PCPs and not officers – for example through voting rights. Officers should be able to provide information and advice only.
- Any national representation of PCPs should complement existing regional panel networks which have been established. It should not duplicate nor supersede these collaborative links, particularly when sharing good practice.
- In the spirit of the existing legislation providing that the Panel's role is to 'support and challenge' the PCC, any national representative body of PCPs should have regular liaison with the National Association of PCCs and National Association of Chief Constables. This would ensure that any possible lobbying or other forms of representation are credible, practical and can add value.
- Any individual PCP should continue to be able to make local and national representations, lobby, make comment or do anything it feels appropriate under existing legislation to respect the tenet of individual independence.

Councillor Carol Hart, Chairman of the Derbyshire Police and Crime Panel.

Police and Crime Panels – Consultation on proposals for national representation

Introduction

The first Police and Crime Commissioners (PCCs) were elected in November 2012 following the enactment of the legislation which also made provision for Police and Crime Panels (PCPs) to scrutinise various aspects of their activities to ensure that the PCCs were delivering according to the needs and wishes of the localities they serve. Since their establishment, concerns have been widely expressed that the PCPs' ability to carry out this task has been somewhat hampered by the terms of reference under which they were set up, many of which are broadly regarded as being unnecessarily limited and often ambiguous.

Concerns have also been raised that, unlike the PCCs who have established a National Association, the effectiveness and development of PCPs has been restricted by the lack of a collective voice through which representation to Government and the sharing of best practice can be channelled.

At meetings of representatives of PCPs from across the country in February and July 2017 these concerns were widely aired and almost unanimously shared, as was the view that a national voice for the PCPs was urgently required. This view has arguably been further reinforced following the recent Policing and Crime Act 2017 which added further to the PCCs' powers without adding to those of the PCPs.

At the July meeting it was agreed that PCPs would seek to address their concerns by establishing a national voice and the following timetable was agreed.

1. This consultation paper would be prepared and circulated to the Chairs and Clerks of all PCPs in early August seeking responses by 22 September.
2. A paper containing the results of the consultation including options/recommendations would be circulated by 13 October.
3. Options and recommendations would be discussed at the PCPs' Annual Conference on 6 November and a decision made as to the way forward.

This paper seeks to highlight the principal arguments for the establishment of a national body and in doing so to suggest options for moving forward.

The Case

Before entering into lengthy argument, it is important to answer the central question as to whether or not there is a need for a national voice to provide a channel of communication with Government, other stakeholders and partners. Would such a voice increase the visibility of PCPs, support their development and engender greater understanding of their role? The response from representatives of PCPs has been overwhelmingly, yes.

In both meetings there was strong agreement that a clear benefit would be derived from enabling Panels to come together to share and exchange views and experience, and to provide a strong national voice to influence the national landscape. There was agreement too that Panels would benefit from being better able to engage and forge new relationships with other national stakeholders.

Central to the view that a national voice was required was a strongly held belief that there was a need for PCPs to have a vehicle through which we could express our views and concerns with the Home Office. As stated above, the role of the PCCs is expanding at a considerable pace bringing additional challenges to the PCPs that are required to scrutinise them. The need for them to have the facility and credibility to address these increasing demands is self-evident as, indeed, they would from having a vehicle to share best practice and innovation and identify ways to achieve efficiencies through working together.

Underlining all these arguments was the strongly held view that PCPs currently lacked parity of esteem with other key players and, of course, that there was a need for us to have a vehicle through which we could express our views and concerns to the Home Office.

In reflecting on these thoughts it is important to recall that all those present were anxious to ensure that, whatever vehicle was put in place, unnecessary bureaucracy and expense was to be avoided at all cost. Whilst seeking a common voice, where appropriate, it was also essential to note the sovereignty of individual PCPs and their right to operate independently. As they develop their thinking it is also important to note that PCPs across the country contain a wide range of experience and expertise and that their overwhelming intention is to provide constructive and supportive input.

Options

At both of the above meetings, through subsequent conversations and feedback, three principal options seem to have emerged, which are summarised below:

Association of Police and Crime Panels

Setting up an independent Association to develop a voice for PCPs across the UK seemed to be a popular option.

Advantages

- Greater levels of independence
- A parallel body to the Association of Police and Crime Commissioners
- Ability to engage PCPs from across the UK
- Opportunity to develop parity of esteem with other stakeholders

Disadvantages

- Would need to establish an administration and the funding to support it
- Starting from scratch, the APCP would quickly need to establish a level of credibility
- Would need to be funded by the PCPs directly

Possible next steps

- Agree an Interim Chair and Steering Committee at the forthcoming national conference
- Agree a timetable for establishing a Constitution
- Agree a manifesto/policy statement

Special Interest Group within the LGA

A Special Interest Group (SIG) within the LGA would arguably more quickly enable the establishing of a national voice for PCPs. It might also provide a convenient first step towards establishing APCP.

Advantages

- Part of a nationally recognised body with strong links to Central Government
- Some (limited) administration support
- Venue for meetings
- Funding would be met as part of LGA membership

Disadvantages

- Not all PCPs' home authorities are members of LGA
- Possibility of clashes with wider LGA policy
- PCPs' independence might be challenged

Possible next Steps

- Agree protocols with LGA including arrangements for non LGA members to fully participate

Combination

At a time when the landscape surrounding PCPs is changing rapidly, it might be argued that the need to set up a national voice is pressing and that we need to move forward more quickly. If one accepts that argument, a combination of both the above options would be feasible whereby a SIG might be set up as a 'stepping stone' towards the establishment of a National Association.

Advantages

- This could be achieved relatively quickly
- It would 'buy time' to ensure we establish ourselves in a credible fashion
- It would provide immediate support

Disadvantages

- Would require work to ensure that all PCPs across the UK have a voice regardless of their status within the LGA

Other

One final option involving a possible link with the Centre for Public Scrutiny (CfPS) has been floated, but not pursued at this point although it is intended to explore this once the holiday period has ended, with any feedback being issued as an addendum to this paper at that time.

Conclusions

As with all ventures of this type there will be challenges but the clear, and commonly held, view seems to be that a body to represent the interests of PCPs across the UK should be established. Whichever option is pursued, it is acknowledged that there will need to be a degree of pragmatism but, in so acknowledging, two key tenets must be respected. It must:

- be able to provide equal representation for all its members;
- respect the individual independence of each PCP.

It would be helpful if feedback on this paper could be provided by Friday 22 September via Clive Head, the Clerk to the Hertfordshire PCP, at clive.head@broxbourne.gov.uk so that a final paper can be produced and circulated by Friday 13 October for consideration at the Annual Conference on Monday 6 November.