

SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	31 st March 2014
3.	Title:	Joint Working Protocols
4.	Organisation:	RMBC – Host Authority

5. Summary

This report provides members of the Panel proposals to establish joint working protocols with the four Crime and Disorder Scrutiny Committees across Barnsley, Rotherham, Doncaster and Sheffield.

6. Recommendations

That the Panel:

- **Considers the most appropriate format for a draft working protocol to be developed and agreed with the four Crime and Disorder Scrutiny Committees.**

7. Proposals and details

All Local Authorities have a statutory requirement to establish a Crime and Disorder Committee whose purpose is to scrutinise the work of the local Crime and Disorder Partnership. This does not have to be a stand alone committee and many local authorities have subsumed this role within one of their existing Scrutiny committees or panels.

Members from these four committees and their supporting officers, were invited to the Panel's development day in November 2013. It was felt that there is ground to be gained by working closely together with these four committees and sharing information about work programmes to develop South Yorkshire priorities which can inform the work programme of the Police and Crime Panel. Access to local information about the performance of Crime and Disorder Partnerships was also felt to be crucial for the Panel in terms of triangulation of evidence it may receive in as part of scrutinising the work of the Police and Crime Commissioner. As such, in a report to the Panel on the 2nd December 2013, it was agreed that the following were required:

- A clear understanding of roles and responsibilities between the partners is required and agreed through protocols.
- Local Authority Scrutiny panels should share work programmes with the PCP to help with the development of South Yorkshire wide priorities.

Chairs of the four committees have been invited to the meeting, along with support officers, and will be discussing early ideas for their forthcoming work programmes. This report also aims to begin the discussions around the establishment of a joint working protocol between the PCP and the four Crime and Disorder Committees, to formalise this working arrangement.

Appendix A and B contain two examples of such working protocols and panel members are requested to consider which elements of these examples would usefully be included in a first draft for South Yorkshire. It is then proposed to discuss this draft further with the four Crime and Disorder Committees prior to agreeing it in its final format.

8. Finance

No financial issues.

9. Risks and Uncertainties

A clear agreement between the PCP and key partners will help to minimise any risks associated with this and will clarify roles and responsibilities in sharing key information.

10. Background Papers and Consultation Appendix A and B

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Appendix A:

West Yorkshire Police and Crime Panel

Principles for Engagement:

Local Crime and Disorder Scrutiny Committees

Background to Local Crime and Disorder Scrutiny Committees

Provisions in the Police and Justice Act 2006 extended the remit of local authorities to scrutinise crime and disorder functions and as of April 2009 each Council has been required to designate a Scrutiny Board to act as their 'Crime and Disorder Committee.'

'Crime and Disorder Committees' have the powers to review or scrutinise decisions made (or action taken) by the local Community Safety Partnership (CSP) and the 'responsible authorities' that comprise it, but only with regards to activities which relate to the Partnership itself.

Impact of the Police Reform and Social Responsibility Act 2011

Although the Act did not change the legal remit of local authority Crime and Disorder Scrutiny Committees, they will not have the power to directly scrutinise the Police and Crime Commissioner because he/ she will not be a 'responsible authority' on the CSP.

Under previous arrangements the Scrutiny Committees could scrutinise the West Yorkshire Police Authority. However, the reforms signal a readjustment of responsibilities in relation to the scrutiny of policing in West Yorkshire. In this sense, the West Yorkshire Police and Crime Panel will carry out part of the role previously exercised by Local Crime and Disorder Scrutiny Committees.

Rationale for Engagement

The West Yorkshire Police and Crime Panel fully recognise the benefits of establishing and maintaining strong links with the five Local Crime and Disorder Scrutiny Committees. These Local Scrutiny Committees can play a critical role in helping the Panel:

- To **recognise** the needs and concerns of local communities in relation to community safety and crime.
- To better **understand** the link between the strategic direction set by the Police and Crime Commissioner and its impact on individual wards and **neighbourhoods**.
- To **assess the impact** of all Partners on crime and community safety related issues in each district.
- To apply the **skills and expertise** necessary to effectively scrutinise the Police and Crime Commissioner.
- To **focus** on issues which are common to all of the West Yorkshire districts.
- To **maximise its resources** by contributing to scrutiny work initiated by the West Yorkshire Police and Crime Panel.

Equally, the West Yorkshire Police and Crime Panel is eager to assist Local Crime and Disorder Scrutiny Committees by:

- Holding the **Commissioner to account** if he/she
 - Has a detrimental impact on the safety or confidence of communities in West Yorkshire
 - Raises public concern due to their chosen approach
 - Acts in a way which would have previously prompted the Committee to 'call in the responsible authority.'
- **Informing and supporting** the Commissioner in such a way as to ensure his/ her approach and plans reflect the needs and interests of the diverse communities across West Yorkshire.
- **Promoting** policing and community safety interventions which have proved successful in the past or are working well under the Commissioner.
- **Leading** on scrutiny investigations on behalf of the five Scrutiny Committees where issues of sub-regional significance have been identified.

Moving Forwards

On the basis of the rationale outlined above, the West Yorkshire Police and Crime Panel will work in partnership with Local Crime and Disorder Scrutiny Committees (CDCs) in the following ways:

1. Panel Meetings

- 1.1 CDC Chairs will, at the very least, be invited to meetings of the West Yorkshire Police and Crime Panel on an annual basis to engage in an open discussion about the impact of the Commissioner in each district and to review the relevance of the latest iteration of the 'Principles for Engagement.'

1.2 Should serious concerns arise during the year, the Panel may ask one or more CDC Chairs to attend additional Panel meetings and provide their perspective on the issue under consideration.

1.3 CDC Chairs can request an item to be put on the agenda of a Panel meeting by contacting the Chair of the Panel directly and explaining the reason for the request.

2. Influencing the Police and Crime Plan

2.1 The Police and Crime Panel is in a fortunate position in terms of its ability to influence the development of the Police and Crime Plan and the CDCs are encouraged to inform the Panel's approach when exercising this influence.

2.2 The Police and Crime Panel will encourage the Commissioner to have regard to the business cases and strategic assessments submitted by the individual authorities when developing his/ her Police and Crime Plan and subsequent commissioning arrangements.

2.3 CDCs will be sent a copy of all the draft iterations of the Police and Crime Plan that are submitted to the Panel and will be asked to return any comments or suggestions in advance of the Panel meeting during which the draft will be discussed.

2.4 CDCs are also asked to brief their authority's Panel Members in advance of any discussions on the Plan so the local perspective is sufficiently understood and so the Panel is made aware if the Plan does not have regard to the evidenced needs of communities across West Yorkshire.

3. Regular Exchange of Information and Intelligence

3.1 The five CDCs will each complete a quarterly briefing note for use by all Panel Members to support them in assessing the impact of the Commissioner across West Yorkshire.

3.2 The lead scrutiny officers will be notified of the deadlines for these briefing notes as far in advance as is practicable. These deadlines will be aligned with Panel Meeting dates as responses will be required two weeks before each Panel meeting.

3.3 All completed briefings notes are to be formally approved by the CDC Chair before submission.

3.4 Unless a request is made to the contrary, all submissions will be circulated to the other CDCs in West Yorkshire to allow comparisons and further linkages to be made.

- 3.5 The completion of the briefing notes will not be an onerous task and will only call upon information and examples that the CDCs are already aware of or hold.
- 3.6 CDCs will be encouraged to play an active role in developing and adapting the themes covered within the briefing note.
- 3.7 Questions in the briefing note will, at the very least, relate to:
- The findings of any relevant investigations carried out at the local level
 - Plans for any future investigations at the local level which may be of interest or relevance to the Panel and/ or other CDCs in West Yorkshire.
 - Any concerns the CDCs want the Panel to be aware of, to either raise directly with the Police and Crime Commissioner or to investigate further.
 - Any suggestions about the way in which the Panel could better support or influence the approach of the Police and Crime Commissioner.
- 3.8 Panel Members will have sight of all of the completed briefing notes as well as a covering note highlighting any common issues or trends.
- 3.9 CDCs may also choose to arrange regular verbal briefings with the Panel Members representing their authority on the West Yorkshire Police and Crime Panel.
- 4. Co-ordinating Work Programmes**
- 4.1 CDCs will submit the latest iteration of their work programmes along with their quarterly briefing notes.
- 4.2 These work programmes will then be circulated to the five CDC lead officers to help identify linkages across the five CDC work programmes and will also be used by the AWYA to identify linkages between the work of the CDCs and the Panel.
- 4.3 In cases where the CDCs are due to carry out investigations that are likely to be of interest to the Panel, the Panel may request a short briefing note summarising the results of these investigations.
- 4.4 Where one or more of the CDCs are due to investigate the same issue the Panel may decide to carry out the investigation at a sub-regional level on behalf of all five CDCs or in conjunction with them.
- 4.5 If the Panel identifies an issue for concern which relates to only one of the West Yorkshire districts, the relevant CDC may be asked to lead on the resultant investigation with support from a Panel Member from that authority.

4.6 CDCs will be notified of such a request from the Panel at the earliest possible opportunity and the Panel recognises that the CDC response to these requests will be dependent on the availability of resources at that time.

4.7 Equally, the Panel's ability to lead on investigations on behalf of the CDCs will be resource and work load dependent.

5. Aligning Membership

5.1 Where possible, at least one Panel Member will sit on each CDC to ensure the Panel has a detailed understanding of local issues as well as the skills necessary to effectively scrutinise the Commissioner.

5.2 Where membership is not aligned in this way a Panel Member from each authority will be designated as the lead Panel Member for their authority's CDC and as such will contribute to CDC meetings and investigations as and when required and subject to existing workload pressures.

Endorsement

These principles have been endorsed by:

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Cllr Peter Box (on behalf of the West Yorkshire Police and Crime Panel)

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Cllr Rizwan Malik (on behalf of Bradford CDC)

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Cllr Helen Rivron (on behalf of Calderdale CDC)

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Cllr Kenneth Sims (on behalf of Kirklees CDC)

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Cllr Barry Anderson (on behalf of Leeds CDC)

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Cllr Laurie Harrison (on behalf of Wakefield CDC)

Appendix B:

**DRAFT PROTOCOL BETWEEN THE POLICE AND CRIME PANEL AND THE
LEICESTERSHIRE COUNTY COUNCIL OVERVIEW AND SCRUTINY COMMISSION**

This protocol concerns the relationship between the Police and Crime Panel and the County Council's Scrutiny Commission. Its purpose is to ensure that:-

- (i) Mechanisms are put in place for exchanging information and work programmes so that issues of mutual concern/interest are recognised at an early stage and are dealt with in a spirit of co-operation and in a way that ensures the complementary responsibilities of the PCP and the Scrutiny Commission are managed;

- (ii) There is a shared understanding of the process of referrals and arrangements for dealing with such referrals.

- (iii) Share information on work programmes.

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**Chairman of the
Police and Crime Panel**

Date

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**Chairman of the
Scrutiny Commission**

ROLE OF THE POLICE AND CRIME PANEL

Elected Police and Crime Commissioners (PCCs) and Police and Crime Panels (PCPs) were introduced by the 2011 Police Reform and Social Responsibility Act. Under the Act, the PCC will be responsible for holding the Chief Constable to account, securing an efficient and effective local police force and carrying out functions in relation to community safety and crime prevention.

The Leicester City, Leicestershire and Rutland Police and Crime Panel will be responsible for publicly scrutinising the actions and decisions of the PCC and in doing so will, inter alia:

1. Review and make a report or recommendation on the draft police and crime plan.
2. Hold public meetings to consider the annual report from the Police and Crime Commissioner.
3. Review and scrutinise decisions, or other action taken, by the Police and Crime Commissioner in connection with the discharge of his functions.
4. Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities.

ROLE OF THE SCRUTINY COMMISSION
(as the designated Crime and Disorder Committee)

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions taken in connection with the discharge by the Responsible Authorities* of their Crime and Disorder Functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under Section 19.

The County Council has designated the Scrutiny Commission as the Crime and Disorder Committee.

The Scrutiny Commission has determined that it will meet at least once a year to consider Crime and Disorder related issues. It will do so primarily by reviewing and scrutinising the Annual Report of the Community Safety Partnership. The role of the Commission is to act as a 'critical friend' by constructive challenge at a strategic level. The Commission has also agreed that it will consider crime and disorder matters at other meetings should the need arise.

*** Responsible Authorities on Community Safety Partnerships include:-**
Local Authorities (County Councils and District Councils)
The Police Force
The Fire and Rescue Service
The Primary Care Trust (or successor bodies)

Note – the Police Authority was previously identified as a Responsible Authority. The Police and Crime Commissioner has NOT been designated as a responsible authority for these purposes. However the Police and Social Responsibility Act places a mutual responsibility on PCCs and responsible authorities on the CSP to co-operate to reduce crime, disorder and re-offending.

WORKING PRINCIPLES

Given the common aims of both the Scrutiny Commission and the PCP to scrutinise the delivery and effectiveness of measures aimed at reducing crime and disorder and enhance public safety , it is vital that they:-

- (i) work in a climate of mutual respect and courtesy;
- (ii) have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
- (iv) share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort;

Whilst recognising the common aims and the need for closer working, it is important to remember that the Scrutiny Commission and the PCP are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. This protocol will not preclude either body from working with any other local, regional or national organisation to deliver their aims.

WHAT WILL THIS MEAN IN PRACTICE

The Police and Crime Panel is a creature of statute only recently established. Clearly it will need time to establish itself and its modus operandi. The proposals now outlined below will need to be revisited in 12months' time to assess how these are working and to consider whether the scope now identified is appropriate.

PCP → Scrutiny

The Police and Crime Panel shall, in discharging its responsibility for commenting on the Police and Crime Plan or any variation thereto, seek the views of the Scrutiny Commission. The Scrutiny Commission may, if it so wishes, submit written comments to the Police and Crime Panel.

The Police and Crime Panel shall, in discharging its responsibility for commenting on the Police and Crime Commissioner's Annual Report, seek the views of the Scrutiny Commission. The Scrutiny Commission may, if it so wishes, submit written comments or questions it considers merit raising with the PCC to the Police and Crime Panel.

Scrutiny → PCP

The Scrutiny Commission may, in discharging its responsibility for reviewing and scrutinising the Annual Report of the Community Safety Partnership, draw to the attention of the PCP any issues which would merit a discussion with the PCC.

PCP ↔ Scrutiny

Where either the Police and Crime Panel or the Scrutiny Commission considers that a particular issue (related to crime and disorder) would merit in depth investigation either by the Commission/Panel or by a task and finish group this should be discussed by the Chairmen and Secretariat of both bodies to determine the scope of such a review and agree to which body would take lead responsibility. The aim is to avoid duplication of effort and resources