



Shadow Durham Police and Crime Panel

12th October 2012

Protocol between Police and Crime Panel and Overview and Scrutiny Committees

Report of Lorraine O'Donnell, Assistant Chief Executive, Durham County Council

Purpose of the Report

1. To seek agreement on working principles between the Durham Police and Crime Panel (PCP) and Overview and Scrutiny arrangements at Durham County Council and Darlington Borough Council.

Detail

2. **Police and Crime Commissioner and Police and Crime Panel**
Elected Police and Crime Commissioners (PCCs) and PCPs were introduced by the Police Reform and Social Responsibility Act 2011. Under the Act, the PCC is 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. Within the Durham Constabulary area, the Durham PCP is responsible for publicly scrutinising the actions and decisions of the PCC and its responsibilities include:
 - Review and comment on the Draft Police and Crime Plan and Precept;
 - Review the Commissioner's Annual Report;
 - Holding confirmation hearings for senior appointments of the PCC and to confirm appointment of the Panel's two Independent Members;
 - Overseeing all complaints against the PCC, informally resolving non-criminal;
 - Powers of veto on setting the precept and appointment of Chief Constable
3. **Overview and Scrutiny Arrangements**
Section 19 of the Police and Justice Act 2006 requires local authorities 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. Within the constituent local authorities, this responsibility lies with

Durham County Council's Safer and Stronger Communities Overview and Scrutiny Committee (SSC OSC) and Darlington Borough Council's Monitoring and Co-ordinating Group (MCG). It is to note that both the Chairs of SSC OSC and MCG are members of the PCP and therefore strengthens the communication links between the PCP and Overview and Scrutiny within both Councils.

Working Principles

4. Within this context, there are common aims of local authority scrutiny and the PCP to scrutinise the delivery and effectiveness of measures aimed at reducing crime and disorder and enhancing public safety. The Centre for Public Scrutiny and the Local Government Association have produced a document '*Police and crime panels, A guide for scrutiny*' that includes an emphasis for communication between the PCP and scrutiny arrangements within their respective local authorities. It is therefore essential that they:
 - Work in a climate of mutual respect and courtesy;
 - Have a shared understanding of their respective roles, responsibilities and priorities;
 - Promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
 - Share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort;
 - Have communication through the SSC OSC and MCG to have the PCP as standard item on their agendas and the PCP to have Overview and Scrutiny on its agenda.

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

What this will mean in Practice

6. **PCP → Scrutiny**
The PCP shall, in discharging its responsibility for commenting on the draft Police and Crime Plan or any variation thereto, seek the views of the SSC OSC and MCG. The SSC OSC and MCG may, if it so wishes, submit written comments to the Police and Crime Panel.

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

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

9. **PCP ↔ Scrutiny**

Where either the PCP or the relevant scrutiny body considers that a particular issue (related to crime and disorder) would merit in depth investigation either by the relevant scrutiny body /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.

10. **Review of Working Arrangements**

It is acknowledged that the PCP is in its early stages of existence and may take time to establish its role and function and therefore it is considered that working principles identified within this report be revisited in 12 months.

Recommendation

That the Panel is asked to note the working principles between the Police and Crime Panel, Durham County Council's Safer and Stronger Communities OSC and Darlington Borough Council's Monitoring and Co-ordinating Group and present for approval at a future meeting, when the Panel is formally constituted.

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Appendix 1: Implications

Finance

None

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

None

Accommodation

None

Crime and Disorder

This is a key focus of the work of the Panel and activity within Overview and Scrutiny arrangements at Darlington Borough Council and Durham County Council.

Human Rights

None

Consultation

None

Procurement

None

Disability Issues

None

Legal Implications

None