

POLICE AND CRIME PANEL**19th November 2020****REPORT OF THE POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE****POLICE & CRIME PANEL MEMBER QUESTIONS****1. PURPOSE OF THE REPORT**

- 1.1 To provide a written response to the Police and Crime Panel to the pre-submitted questions raised by individual Panel members.

2. PANEL MEMBER QUESTIONS

- 2.1 *In relation to Crim Statistics in all areas of Derbyshire, what are the latest figures, showing any increases or decreases since the Covid-19 restrictions in March 2020, and has Covid-19 caused any crime trend legacies or increases in specific areas of crime? (Cllr Potter)*

- 2.2 I would respectfully refer Cllr Potter to the Covid-19 Update report that appears later on in this meeting's agenda (Agenda Item 7) which should provide him with the details he is seeking.

- 2.3 *Could the PCC give the PCP an update on the Emergency Services Network and how any lack of implementation issues will be managed by the Derbyshire Constabulary? (Cllr Bright)*

- 2.4 As PCC I am aware of the challenges of the delivery of the Emergency Services Network (ESN). I have spoken with colleagues within the Force who are much closer to the issue and they have shared the following with me:

ESN is the national programme aimed at moving all emergency services from Airwave which is a Tetra audio only based radio platform, onto a revolutionary mission critical communications system based on 4G and long term evolution technology. The national programme has been subject to several delays due to creating the required expertise for this "first of its kind" technology which has impacted all emergency services who are having to maintain older legacy systems whilst they wait for ESN to arrive. An example of having to maintain our current operating levels has been to procure 600 SC21 radios to ensure sufficient resilience is maintained for officers to continue using our current Airwave devices until the ESN devices arrive (2021/22).

To ensure a collective approach is maintained towards ESN adoption and implementation, Derbyshire has a dedicated ESN team that are working

Agenda Item 4

specifically to ensure Derbyshire is ready for ESN adoption. This team forms part of a Regional ESN Programme where all five regional forces are collectively progressing the ESN agenda in preparing for its adoption and implementation. This requires specific work packages created by the national programme to be completed within set time lines and returned. The purpose of completing the work packages is to ensure Derbyshire and other Police Forces have provided all the required technical data for international corporations (EE, Motorola, Capita, Vodafone etc) who are contracted to deliver ESN have the required information to assist emergency services technical upgrades for ESN adoption within the timeline for implementation.

Derbyshire's current ESN programme status is Green as all work and work packages towards ESN preparedness are being completed as both regionally and nationally required.

It is also worth noting that there remain significant concerns about the growing financial costs of the programme, and the maintenance of the existing system whilst we await ESN coming in, and a worry as to where exactly that bill will land. If the expectation is that forces will have to pick up the tab locally this will have potentially very serious ramifications.

Needless to say I am continuing to make strong representations at a national level regarding this.

2.5 *What is the PCC's response to the Home Office Review, would you share this with the panel please? (Ms Newbury)*

2.6 The PCC's response to the Home Office Review was as follows:

PCC Review

Following the announcement by the Home Secretary of a two-part review of Police and Crime Commissioners the following response has been developed here in Derbyshire to the questions set out as part of the review.

1) How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC.

i. How effectively do PCCs engage the public?

It is felt that the PCC model sees a significantly enhanced level of engagement with individuals and communities compared to the previous governance arrangements under Police Authorities. The model allows the public to identify an individual with whom they can raise issues and discuss concerns.

Successive years of community engagement have seen greater levels of participation. This is spread across both physical and virtual engagement. This has included work with individual, specific interest groups, community groups and local authorities at both parish, district, City and County levels. Feedback has been positive and people have suggested that they have appreciated the

Agenda Item 4

opportunity to speak directly to the PCC.

Irrespective of whether people 'agree' with PCCs or not, there are greater levels of awareness of the existence of the role. What is patchier is an understanding of what the role can, and often more importantly, can't do.

One excellent example of engagement has been the PCC's #D383 tour. This followed a commitment from the PCC to visit all 383 towns and villages across Derbyshire at least once during his term in office. This also included multiple visits to larger areas to visit individual neighbourhoods. Information from this tour has helped ensure that the Police and Crime Plan is relevant and fit for purpose as well as helping shape the delivery of local policing and as well as assisting with the support and challenge of other partners such as local authorities.

ii. How do we ensure the public can more easily hold their PCC to account at the ballot box, for reducing crime and delivering an effective and efficient police force?

The PCCs already have statutory duties in relation to transparency in their work, and the delivery of an annual report, which should allow the public to understand what work they have undertaken during their term of office.

There remains a strong case for a general public awareness campaign about the role that should be delivered centrally and an argument for a funded required to all voters about the candidates in upcoming elections, again centrally coordinated/funded.

2) How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies.

i. Is the current model resilient enough to hold up when things go wrong?

There have been a number of discussions about this first point as it is unclear what exactly is meant by things 'going wrong'. There have, unfortunately, been cases where PCCs have died during their term of office, triggering a by election, but there need to be interim arrangements in place until an election can be held. If there is a deputy in place this is certainly an easier position than when senior officers from the OPCC are expected to take over – the current situation in County Durham for example.

If the question relates to the PCC needing to step down due to loss of confidence, or misconduct, the existence of a deputy would certainly make the interim arrangements until a replacement could be elected significantly easier.

The quality of deputies can vary as the appointment does not have to be on merit. This can lead to local difficulties.

Some PCCs have decided that in order to save money they will not appoint a deputy. It could be suggested that this is a short-sighted approach as the constituencies that PCCs cover, and the breadth and complexity of the issues

Agenda Item 4

they have oversight over, mean that it is very difficult for a single individual to ensure that everything is properly covered.

There is a strong argument that a deputy role could become a statutory part of the office structure, along with the Chief Executive and the Chief Finance Officer roles. In order to add legitimacy to the role it could be a requirement that PCCs announce who their deputy would be as part of their election campaign – allowing the public to understand who they will have in the decision-making roles.

Consideration should also be given to the potential for a separate deputy to have oversight of the fire service element of the PCC role if the policy of police and fire governance reform is progressed with PCCs taking on the additional responsibility.

3) How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.

i. Are the right checks and balances in place to make PCC-led accountability work?

In theory yes, though the performance/effectiveness of PCPs is very varied across the country. There can, unfortunately, be occasions where PCPs are overly political and this impacts on their efficacy – this does not always just apply where the Panel and PCC are of different political colours. Conversely, they can also sometimes be something of a ‘love-in’ again preventing effectiveness. A potential solution to this could be to require the Chair of the panel to be an independent appointment – in a similar way to the chairs of Safeguarding boards.

As they are rooted in local government, there is a tendency for PCPs to see themselves as ‘scrutiny committees’, rather than a check and balance that both supports and challenges...there is lots of challenge and sometimes very little support! A way of addressing this could be to improve the training and development opportunities requiring completion by panel members.

Another challenge is the fact that the membership of the panel can, at times, seem to be in a state of constant flux, with membership sometimes changing on an annual basis, means that the levels of understanding can be varied across panel members.

ii. Do police and crime panels have the right skills, tools and powers to hold PCCs to account?

Again, there is a very patchy approach to this. Panels can, at times, become very parochial and are often more interested in trying to oversee the work of the Force, rather than the PCC.

It has been suggested at times that the PCP is something of a toothless tiger as the powers they currently have are very limited. That said, it is hard to come up with a set of additional powers that would seem appropriate and would help

Agenda Item 4

improve the efficacy of the panel. There is currently no independent assessment of their efficacy.

iii. Should a system of recall be introduced for PCCs, and if so, what should be the trigger mechanism?

An adaptation of the Recall of MPs Act 2015 could be used as a mechanism should this be deemed necessary.

It should, however, be noted that the eligibility criteria to stand as a PCC are different to those for other elected roles and are, in many ways, more stringent!

4) The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.

i. Are PCC powers around the removal and appointment of chief constables correctly calibrated?

In short, yes!

The removal of a Chief Constable is a very serious step and the right checks and balances would appear to be in place. The Home Office guidance on suspension is very well written and easy to follow. It allows a clear thought process to be followed and allows for clear decisions to be made/recorded.

ii. Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?

The relationship between PCCs and CCs (and OPCCs and Forces) is very different across the country. Much of it is based on a personal relationship, and whilst this may at times be too 'friendly' in our experience we have managed to establish effective relationships with 2, soon to be 3 CCs.

The Policing Protocol Order is a VERY useful document and is clear on the relationship and interplay between both the PCC/CC and the PCC and PCP.

5) The PCC Review asks: Whether any steps are needed to strengthen accountability or clarity of roles within the mayoral PCC model, learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors. This will lay the foundations for our longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.

i. What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?

You already have a single, elected and accountable leader in a PCC and if their responsibilities around wider community safety were enhanced this would strengthen the role. The challenge with a single mayor with the huge range of

Agenda Item 4

responsibilities is that policing could get lost in the mix...-and lose the element of accountability if the Mayor then delegated responsibility to an appointee.

If we look to how this is being delivered currently (London, Greater Manchester) there is a Deputy Mayor (Policing) – is this not just an unelected PCC by another name?!

ii. What are the opportunities and issues with transferring PCC and FRA functions to mayors?

Opportunities

- Ability to see policing within a wider partnership context
- Removal of potential to empire build in individual silos
- Potential to speed up decision making

Issues

- Loss of specific policing and crime focus – some of these issues are very complicated!
- Is the role just too big?
- Is it even possible in areas where the police/fire boundaries are not coterminous with local authority boundaries?

iii. What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?

Can't really comment

6) How we set out our long-term ambition on fire governance reform ahead of the May 2021 PCC elections:

i. What are the benefits and challenges of the current model for transferring fire governance to PCCs?

Benefits

- Speedier decision making
- Natural 'fit' between the two services
- Much of the rationale behind the move to PCCs also applies to Fire...how many people know who/what the Fire Authority is?

Challenges

- Potential for JR
- Potential for FBU engagement/action
- Unrealistic expectations of efficiencies i.e. savings. These will be marginal at best unless this is more than just a governance issue

Agenda Item 4

ii. How can we strengthen the accountability and transparency of fire governance?

Much of the rationale behind strengthening accountability and transparency in police governance also applies here.

iii. How can we strengthen and clarify the distinction between strategic and operational planning in fire?

Is this not the same issue that we have had to deal with within policing? We should therefore take the learning from the rollout of PCCs. If necessary a Protocol Order could be put in place to define the distinctions.

iv. Could governance change help maximise collaboration between policing and fire?

Mandation could drive this forward but without it is likely to be piecemeal. To be honest we feel it isn't actually necessary – in Derbyshire we have driven the work forward and achieved partnership efficiencies through collaboration. We established an LLP to deliver a joint capital estates programme (HQ, Joint Training Centre). We are in the process of developing s.1 agreement (Policing and Crime Act 2017) to help define what approach to collaboration is, and more importantly isn't i.e. this is not a backdoor takeover.

v. What are the benefits of having a range of services and strategic planning under one elected individual?

There is always the potential for speedier decision making. It would facilitate seeing the bigger picture and cross cutting themes and identifying potential efficiencies. It would deliver an obvious lead individual from a public perspective.

That said, our local experience is that it isn't broken, so why fix it?!

Preparing for Part 2 of the Review:

7) In helping us prepare for Part Two, we are also interested in understanding if the levers currently available to PCCs are sufficient to allow them to cut crime effectively in their force areas.

One 'simple' change that would have a dramatic effect would be to put the accountability for delivery by CSPs under the remit of PCCs. They are on the ground and understand the issues locally and would be able to assess the impact of local efforts. Currently there is little or no real accountability which means there is massive variation in the effectiveness of these key strategic partnerships.

Prevention requires a longer-term approach, where results are often seen further down the line. This requires a committed and sustained funding approach to allow projects to have an impact locally. Greater certainty around funding through multi-year settlements would facilitate this enormously.

Agenda Item 4

I hope that this feedback will be useful. If you wish to discuss any of the issues I have raised further, or have anything you require additional clarification on, please do not hesitate to get in touch and I will be happy to discuss further.

2.7 *In light of another spate of cash for crash incidents in Hilton, could you please advise how many incidents have been reported and what measures have been taken by the police to address this issue and ensure the safety of residents? (Cllr Patten)*

2.8 Clearly this is an operational issue but we have the following statement from the Force on the matter:

We are aware of some incidents reported to the police in relation to 'Cash for Crash' in the summer of 2020 whereby the drivers were driving around the Hilton area and slamming their brakes on whilst driving. On these occasions no actual collision occurred and they were recorded as suspicious activity.

There were a number of incidents at the end of 2019 which were investigated thoroughly and we were unable to prove any offences however there have been minimal incidents since that time. Local officers are aware of the concern it caused residents in 2019 and therefore encourage any reporting of suspicious activity and dangerous driving.

We are always conscious of this type of offence due to the risk to road users and therefore record any intelligence in relation to this or similar offences to build up a stronger intelligence picture.

Although the area covers the A50 which inevitably has a fair amount of RTC's we are reassured by the numbers which show that cash for crash incidents are minimal and in addition we would like to offer reassurance that these roads are heavily policed by the Roads Policing Unit.

Contact details in the event of enquiries	Name: Hardyal Dhindsa External telephone number: 0300 122 6000 Email address: pccoffice@derbyshire.pnn.police.uk
--	---