

Joint Audit Committee

29 April 2020

Responsible Officer:	Impact on Business:		Risk Register Reference & RAG
Dorothy Gregson, Chief Executive & Monitoring Officer, OPCC	High		
	Medium	X	
	Low		
Lead Manager:	Report Type:		
	Governance	X	
	Strategic		
	Operational		
Previous papers to Committee:			
None			

Report summary	To provide assurance regarding the Acting Police and Crime Commissioner's governance arrangements.			
Related Police and Crime Plan objective				
Action (tick one box only)	Information <input type="checkbox"/>	Assurance <input checked="" type="checkbox"/>	Approval <input type="checkbox"/>	Decision <input type="checkbox"/>
Recommendation	To note			

ACTING COMMISSIONER'S GOVERNANCE ARRANGEMENTS

1. Purpose

- 1.1 This report is to provide assurance regarding the Acting Police and Crime Commissioner's (the "Acting Commissioner") governance arrangements.

2. Background

- 2.1 The Acting Commissioner was appointed by the Police and Crime Panel on the 27th November 2019. At the time of appointment, the Acting Commissioner's term of office would run until the Police and Crime Commissioner elections in May 2020.
- 2.2 As a result of the outbreak of the COVID-19 pandemic, the Government brought in The Coronavirus Act 2020 which allowed Ministers to make a number of regulations, amongst which are those relating to Police and Crime Commissioner elections. Regulation 10 of The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020¹ confirms that Police and Crime Commissioner elections will be delayed until the 6th May 2021. The Regulations also provided that the term of office of an incumbent Acting Commissioner will continue to the May 2021 elections. An Acting Commissioner can exercise all the powers that elected Police and Crime Commissioners have apart from varying or issuing a Police and Crime Plan (the "Plan") (as provided for in the Police Reform and Social Responsibility Act 2011²).

3. Acting Commissioner's governance arrangements

- 3.1 When the Acting Commissioner was appointed with less than six months before the scheduled elections in May 2020, he viewed his role as one of 'good stewardship', continuing to be the voice of the public, and progressing the aims of the Plan. Given that the Acting Commissioner will now hold the term of office until May 2021, as well as providing 'stewardship' he will also be providing a 'sustainable leadership' role. This will ensure the aspirations set in the existing Plan continue to drive positive change for the county during these uncertain times.
- 3.2 This type of sustainable leadership role lends itself to reflect two key issues at this current time. Firstly, that an Acting Commissioner does not have the power to issue or vary a Plan, and secondly the situation created by the Covid-19 crisis. Therefore, whilst the current ethos of the Plan remains, delivery has to be sustainable and proportionate during the foreseeable future to take account of, and respond to, this public health emergency.
- 3.3 The same principles of sustainability and proportionality need to continue in respect of the Acting Commissioner's governance processes during this current time and for the remainder of his term in office. The Acting Commissioner is clear that he will continue to promote and demonstrate the Nolan principles of good governance: selflessness,

¹ <http://www.legislation.gov.uk/uksi/2020/395/contents/made>

² Section 62 of the Police Reform and Social Responsibility Act 2011
<http://www.legislation.gov.uk/ukpga/2011/13/section/62/enacted>

integrity, objectivity, accountability, openness, honesty, and leadership. He will take informed and open decisions, in line with his Decision Making Policy. He will also embrace the request of the Police and Crime Panel (the "Panel") to sign a Code of Conduct which will be drafted with the help of the Panel

- 3.4 The Government expects the Acting Commissioner to play an important role in supporting the Chief Constable in helping keep the public safe during the coronavirus outbreak. Equally, there is a Government and a public expectation that arrangements to hold each police force to account on behalf of its communities will continue.
- 3.5 Consequently, in the current unprecedented times of national crisis, the Acting Commissioner has to take a proportionate governance approach, one which focusses on how policing is supporting the needs of those in the county during the current crisis. However, at the same time the Acting Commissioner needs to balance this against the necessity for transparency, the importance of responding to public concerns, and the need to provide reassurance that matters are progressing as required.
- 3.6 The Acting Commissioner's Business Co-ordination Board (the "Board") will continue to be a forum where the Chief Constable will be both supported and held to account for the performance of Cambridgeshire Constabulary's (the "Constabulary") officers and staff. However, there is a clear recognition by the Acting Commissioner that during this current crisis the number of reports that the Chief Constable submits to the Board will not place undue demand on the Constabulary's resources.
- 3.7 The Coronavirus Act also brought in a number of police powers relating to the emergency. The Acting Commissioner is clear that that the Board will provide him with the ability to ensure that there are the necessary checks and balances in place in respect of the Constabulary's approach to exercising these powers. It will also bring the opportunity to ascertain how the Constabulary are responding to other consequential effects of the emergency, such as those relating to any rise in domestic abuse cases, the overall impacts on the criminal justice system, as well as other 'business as usual' operational policing demands. All of this governance will be proportionate, focussed and transparent, with the aim to understand the Chief Constable's priorities during this emergency.
- 3.8 Following the Police and Crime Commissioner elections that were to be held in May 2020, the sensible next step would have been for the new Commissioner to work with the Chief Constable to establish a performance reporting process for the Constabulary's Corporate Plan, in order for the Chief Constable to be held to account for its delivery. However, the current crisis means that a performance reporting process for the duration of the emergency needs to be developed instead. The Office of the Police and Crime Commissioner (OPCC) will ensure that such arrangements are put in place.
- 3.9 The Acting Commissioner will also have effective arrangements in place to continue to be involved directly or through his office, in key countywide governance forums, such as the Countywide Community Safety Strategic Board and the Criminal Justice Board, and link appropriately with the Local Resilience Forum structures which ensure effective management of the current crisis locally.

3.10 The Strategic Risk Register has been comprehensively reviewed to ensure the impact of COVID-19 on the Acting Commissioner's statutory roles are understood and proportionately mitigated.

4. Police and Crime Plan Delivery

4.1 The Acting Commissioner had already determined that the priorities of the Plan should remain for the coming period and now that his term has been extended to 2021 he reaffirms them. The delivery of the Plan remains steady but the Covid-19 crisis magnifies the need to drive forward the objectives and activities relevant to the needs in response to the crisis in Cambridgeshire. He will take the decisions required to keep communities across Cambridgeshire and Peterborough safe, focussing on victims, offenders, communities and transformation. He will continue to put support for victims centre stage, ensure offenders are brought to justice and deterred from reoffending. He will also continue to issue crime and disorder grants under the context of the current Plan. In response to the Covid-19 emergency, the OPCC has moulded and flexed itself with its input and actions at the right pace and right time within the framework of the Plan.

5. Governance arrangements for support and scrutiny of the Acting Commissioner

5.1 The Coronavirus Act also brought in regulations³ in respect of how Panels can continue to hold meetings remotely in order to carry out their statutory role of support and scrutiny of the Acting Commissioner.

5.2 The Acting Commissioner has discussed these scrutiny arrangements with the Chair of the Panel. Due to technological solutions not yet being suitably available, they agreed on a proportionate and transparent approach in which the Panel could still carry out their statutory function. As such, the Panel will continue to be sent the link to reports that are submitted to the Acting Commissioner's Board. The Chair of the Panel will then seek questions from fellow Panel members on these reports, which the Acting Commissioner will then provide a written response to. This response will be published on the Panel's website. The Chair and Vice-chair of the Panel will also hold regular teleconference calls with the Acting Commissioner and his staff.

6. Recommendation

6.1 The Joint Audit Committee are asked to note this report that sets the tone and leadership approach of the Acting Commissioner's and his governance arrangements during the current Covid-19 crisis and for the remainder of his term in office; one which promotes and demonstrates the value of good governance in a sustainable, proportionate and transparent manner.

³ The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020
<https://www.legislation.gov.uk/uksi/2020/392/contents/made>