

<b>Committee(s):</b>	<b>Date:</b>
Police Committee – <i>for decision</i> Policy & Resources Committee – <i>for information</i>	24 January 2019 21 February, 2019
<b>Subject:</b> City of London Police Authority – Governance	<b>Public</b>
<b>Report of:</b> Town Clerk & Chief Executive	<b>For Decision/ For Information</b>
<b>Report author:</b> Simon Latham, Head of the Town Clerk's Office	

## Summary

This report sets out proposals to enhance the role of the City of London Police Authority (PA) within the City of London Corporation (City Corporation). These proposals include clarifying the governance arrangements for the PA, reviewing the PA's Special Interest Areas (SIAs), and improving the ways in which City Corporation officers currently support PA Members.

## Recommendation(s)

Members are asked to:

- Approve the proposals set out in this report; and
- Note that further reports will be brought to this Committee in due course as recommendations are progressed.

## Introduction

1. The role of the Police Authority is to provide scrutiny and challenge to the work of the City of London Police (CoLP), acting as one part of a multi-tiered system of 'checks and balances'. In discharging more than 60 statutory duties, the PA must ensure that CoLP delivers efficient and effective policing for the public within a sustainable medium-term financial plan (MTFP), and hold the City of London Police Commissioner to account for the delivery of policing within the Square Mile and in its capacity as the national lead force for economic crime. The PA is also responsible for appointing, and, if necessary, suspending/dismissing the Commissioner. Moreover, the PA oversees CoLP's budget (£132m in 2018/19) and is accountable for ensuring a sustainable MTFP. In fulfilling its role, the PA must be mindful of public confidence in policing, as well as CoLP's capacity to reduce threat, risk, and harm in a context of increasingly pressured resources.

## Background

2. The City of London is anomalous in retaining a PA in the form of the Court of Common Council, acting through the City of London Police Committee to which the Common Council has delegated its general functions of superintendence (see Appendix 5). The basis for permitting the continued role of the Common Council as a police authority was an agreement with the then Home Secretary, Michael Howard QC (to which the current City Remembrancer was, in a different capacity, a party on behalf of the City) before the passage of the Police and Magistrates' Courts Act 1994. The Act reformed police authorities and made them free standing

legal entities independent of local authorities. The agreement retaining the Common Council's role involved an undertaking by the City Corporation that it would mirror the national governance arrangements in its oversight of the City of London force put in place by the Act. The agreement was subject to a report to the Court of Common Council of 3 February 1994.

3. Police authorities were abolished by the Police Reform and Social Responsibility Act 2011. This Act established Police and Crime Commissioners and Police and Crime Panels throughout the country. A modified arrangement was made for the Metropolitan Police District to take account of the directly elected Mayor and the London Assembly. In relation to the City, reliance was placed on the 1994 agreement (referred to above) as a precedent to exclude the City from the provisions, on the understanding that the City would aim to mirror the arrangements put in place by the 2011 Act. This arrangement did not come under serious political pressure during the passage of the bill for the Act through Parliament.
4. By section 79 of the Act, the Secretary of State must issue a policing protocol (see Appendix 6). The protocol deals with the roles and responsibilities of the Police and Crime Commissioners, police and crime panels and Chief Officers of Police respectively. The approach taken by the protocol was informed by an HMIC thematic report into the effectiveness of police governance, entitled 'Policing in Austerity', produced in October 2010. Amongst other things, the report called for a clearer division of responsibilities between police authorities (and subsequently Police and Crime Commissioners) and Chief Officers of Police, noting on page 37 "it is critical that police authorities maintain clear division between their governance responsibility and the Chief Constable's responsibility to lead and manage the organisation".
5. Paragraph 6 of the policing protocol provides as follows: "this protocol does not legally bind the Commissioner of the City of London Police or the Common Council of the City of London which continues to form the police authority for the City of London. However, they are encouraged to abide by the working principles of this protocol".
6. The governance arrangements for the police, therefore, remain less than entirely straightforward, notwithstanding the introduction of Police and Crime Commissioners, on account of the constitutional balancing act which exists between the local supervising authority of the police ("local policing body" in the nomenclature of the 2011 Act), the Police and Crime Commissioner, the Chief Officer of Police and the Home Office. This is intended to provide 'checks and balances' in the administration and enforcement of criminal justice but does clearly result in an element of double-tracking as the provisions of the 2011 Act demonstrate.

## **Proposals**

7. The *HMIC Police Authority Inspection Methodology 2010* identifies four key effectiveness measures for a PA:

- 7.1. working in partnership with the Police Force in setting the Force's strategic direction and priorities;
  - 7.2. scrutinising measurable outcomes from the Force;
  - 7.3. achieving results through community engagement; and
  - 7.4. ensuring value for money and productivity.
8. It is proposed to clarify the governance arrangements for the PA in the following ways:
- 8.1. rename the Police Committee as the 'Police Authority Board' in order to reflect Members' statutory responsibilities in respect of CoLP and ensure that it is better understood that the Board is responsible for overseeing (on behalf of the Common Council) the activities of the Police Authority as a whole;
  - 8.2. review the terms of reference (ToR) for all committees (see Appendix 1) within the aegis of the recalibrated PA Board (i.e. the current Police Committee, Economic Crime Board, Performance and Resource Management Sub Committee, Professional Standards and Integrity Sub Committee, Police Pensions Board, and Police Accommodation Working Party) to ensure a proportionate and complementary distribution of responsibilities, as well as the frequency of meetings;
  - 8.3. ensure that the TOR and all other Committees with responsibility for PA matters (including Policy & Resources, Finance, Efficiency & Performance Sub Committee, Audit & Risk, and Establishment), as well as the Court of Common Council, specify these responsibilities and, where appropriate, that PA business is demarcated on agendas;
  - 8.4. ensure the Police Authority Board receives all reports covering PA matters seen by other Committees with responsibility for PA matters (and that, where appropriate, such reports reference Corporate Plan outcomes);
  - 8.5. review the role and number of co-opted Members for all Police committees, including whether to co-opt relevant Grand Committee Chairmen (or their representatives) onto specific committees, and, in particular, how to include Home Office representation on the Economic Crime Board;
  - 8.6. request that CoLP review the role and TOR of the Community Scrutiny Group (CSG) and Independent Advisory Group (IAG), including whether the PA is appropriately represented on both groups, and whether SIA Leads are sufficiently involved in the groups' work; and
  - 8.7. review PA engagement with the Association of Police & Crime Commissioners (APCC), including appropriate attendance of meetings by PA Members, the circulation of APCC documents within the PA, and how best to disseminate feedback from APCC meetings.

9. It is proposed to expand Special Interest Areas (SIAs) (see Appendix 2) in the following ways in order to enhance the capacity of PA Members to provide strategic direction to and monitor the CoLP Policing Plan:
  - 9.1. review the current SIAs to ensure that these are appropriately prioritised and aligned with the CoLP Policing Plan;
  - 9.2. review the current SIA scheme as part of the annual report to the May Police Committee to ensure that it is fit-for-purpose;
  - 9.3. ensure all SIA Leads have an opportunity to provide early input to and feedback on the formulation of the CoLP Policing Plan.
10. It is proposed to improve officer support (see Appendices 3 and 4) for the PA in the following ways:
  - 10.1. review the policy and technical support provided to PA Members, specifically for SIA Leads, to strengthen oversight and scrutiny of the Force;
  - 10.2. review PA communications to ensure all Members are regularly briefed on PA matters and, where appropriate, significant CoLP operations, as well as the activities of the PA Chairman and Deputy Chairman;
  - 10.3. further strengthen the briefings process for Police committee chairmen prior to committee meetings;
  - 10.4. introduce service level agreements (SLAs) between the PA and key City Corporation Departments (including Comptrollers', Human Resources, and City Surveyors') to provide surety of professional support for PA Members and officers on related PA matters, both for SIA Leads and issues which arise on an ad hoc basis, and to monitor the relative work of CoLP and the PA in key service areas;
  - 10.5. request a designated PA budget against which spending on PA activities across the City Corporation can be reported to relevant committees, as well as benchmarked against other police authorities (e.g. MOPAC);
  - 10.6. commission the City Corporation's Corporate Strategy & Performance Team to review CoLP performance data and provide reports to PA Members and committees to enhance scrutiny of the CoLP Policing Plan;
  - 10.7. commission the City Corporation's Strategy & Performance Team to review the Corporation's current consultation and community engagement arrangements with regard to the policing of the City and provide reports on community feedback to PA Members to help inform priority setting for the CoLP Policing Plan and to enhance Member oversight and scrutiny of the Force;
  - 10.8. improve the coordination of officer activity supporting the PA by holding a monthly meeting of key PA officers (chaired by the PA CEX/Deputy CEX) to

help with agenda planning across all relevant Committees, as well as the development of committee workplans; and

- 10.9. convene a quarterly meeting of Police committee chairmen and deputy chairmen to discuss agenda planning and committee workplans, as well as a quarterly 'PA Strategy' meeting for the PA Chairman, PA Deputy Chairmen, PA CEO, PA Treasurer, and Police Commissioner.

## **Conclusion**

11. The role of the City of London PA is to provide scrutiny and challenge to the work of the CoLP, ensuring that the Force delivers efficient and effective policing for the public within a sustainable MTFP, and holding the City of London Police Commissioner to account for the delivery of policing within the Square Mile and as the national lead force for economic crime. The proposals set out in this report seek to further enhance this role and strengthen the ability of PA Members to scrutinise and oversee the work of CoLP.

## **Appendices**

- Appendix 1 – Police Authority Committee Organogram and Terms of Reference
- Appendix 2 – Special Interest Area Scheme
- Appendix 3 – APACE Statement on the role of Chief Executive and Monitoring Officer
- Appendix 4 – Police Authority Staff High-Level Organogram
- Appendix 5 (Non-Public) – Law Officer Opinion, *The Distribution of Financial Staff Between the Court of Common Council as Police Authority and the City of London Police*, August 2018
- Appendix 6 – Policing Protocol Order 2011

## **Background Papers**

None

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