

**POLICE AND CRIME COMMISSIONER FOR HAMPSHIRE AND
HAMPSHIRE CONSTABULARY**

JOINT AUDIT COMMITTEE – 10 DECEMBER 2013

**COMPLIANCE WITH THE ELECTED LOCAL POLICING BODIES
(SPECIFIED INFORMATION) ORDER 2011**

REPORT OF THE CHIEF EXECUTIVE

1. PURPOSE

- 1.1 This report provides members with an overview of the PCC's compliance with the Elected Local Policing Bodies (Specified Information) Order 2011. It follows a report produced by CoPaCC and Grant Thornton UK LLP that compares the level of compliance between PCCs nationally.

2. RECOMMENDATIONS

This report recommends that:

- 2.1 The PCC's estimated compliance level of 80% and position of joint 11th in the country for transparency as reported by CoPaCC are noted.

3. BACKGROUND

- 3.1 One of the aims in creating directly elected PCCs was to improve democratic accountability, with performance information transparent and accessible in a way the public can understand.
- 3.2 To achieve this aim, the Elected Local Policing Bodies (Specified Information) Order 2011 was enacted, detailing the information to be published by law by PCCs.
- 3.3 A key role of the Chief Executive, in their capacity as monitoring officer, is to ensure that the Commissioner complies with all legal duties. There is a strong commitment to this area, demonstrated by the appointment of an Executive Advisor whose duties include monitoring the level of compliance and taking any required action to rectify non-compliance. Furthermore, the Police and Crime Panel is responsible for scrutinising the actions and decisions of the Commissioner, which should include their compliance with statutory duties.
- 3.4 CoPaCC describes itself as an independent organisation established in early 2013 to compare the work of PCCs through objective, evidence-based analysis, using these comparisons to identify best practice and to share this with key stakeholders.

- 3.5 To assist it in carrying out the research to inform the report, CoPaCC submitted a Freedom of Information Act enquiry to all PCC offices asking for links to their website where the information listed in the legislation is published. Hampshire complied with this request.
- 3.6 Upon receipt, CoPaCC made an assessment as to whether or not the information is available transparently on PCC websites, and produced a thematic report, attached as Appendix A, with its key findings in section 1.

4. COMPLIANCE OF OPCC FOR HAMPSHIRE

- 4.1 The report looks at national trends, and as such is anonymous. It is therefore not possible to accurately state where the report indicates that Hampshire is positioned when compared to other OPCCs, and its level of compliance as judged by a third party.
- 4.2 Table one below lists the 25 primary statutory disclosures, set out in detail in Appendix B of the CoPaCC report, together with our view as to whether or not Hampshire complies with the legislation, using the CoPaCC methodology, which is set out in the introduction and background section of the report.

| Primary statutory transparency disclosures | Estimated national compliance level (out of 42) | Hampshire PCC compliance |
|--|--|---------------------------------|
| a1. Names and contact details of the PCC and Deputy PCC | 42 | Yes |
| a2. Information about the internal structures of the office | 40 | Yes |
| a3. Use of staff of chief officer of the police or local authority | 12 | No (1) |
| a4. Identity of premises or land owned by, or occupied, for the purpose of the work of the PCC | 24 | Yes |
| b1. The budget for the office of the PCC | 38 | Yes |
| b2. Details of each grant made by the OCC | 29 | Yes |
| b3. Information as to any item of expenditure over £500 | 39 | Yes |

| | | |
|---|----|--------|
| b4. Allowances and Expenses | 36 | Yes |
| b5. Contracts and Tenders | 31 | No (2) |
| b6. Senior salaries | 38 | Yes |
| b7. Audited accounts | 40 | Yes |
| b8. Investment Strategy | 28 | Yes |
| c1. Police and Crime Plan | 42 | Yes |
| c2. Annual Report | 32 | Yes |
| c3. A copy of each collaboration agreement | 15 | Yes |
| d1. The dates, times and places of all public meetings | 36 | Yes |
| d2. Agendas and discussion documents for the meetings | 36 | Yes |
| d3. Copies of the agreed minutes | 35 | Yes |
| d4. A record of every significant decision taken by or on behalf of the PCC | 42 | Yes |
| e1. i) code of conduct, ii) decision making iii) complaints against the PCC | 40 | Yes |
| e2. Record management | 23 | No (3) |
| e3. HR | 37 | Yes |
| f1. Register of any interests | 37 | Yes |
| f2. FoI requests | 36 | Yes |
| f3. Gifts/donations and hospitality | 36 | Yes |

4.3 Based on this analysis, we estimate that we are positioned joint 11th out of 42 PCC offices for transparency, based on the CoPaCC methodology and analysis.

4.4 For those disclosures where we are said to be not compliant, the following information is offered:

(1) Hampshire does not currently make use of any staff of the Chief Officer of the Police or a local authority in the terms set out in the legislation. However, our website is not explicit enough about this to be

compliant using CoPaCC's methodology. It should be noted that the police staff element of this information is not yet in place as, until the stage 2 transfer in April 2014, all police staff are under the employment of the PCC.

(2) To be fully compliant with the legislation is likely to lead to an increase the length, complexity and cost of procurement processes at a time when all forces are working to meet stringent savings targets. The National Police Procurement Executive has been exploring this matter in more detail and has made recommendations that are likely to be agreed by Hampshire later this week. This will enable contract information to be published in line with the legislation, without revealing operational, security and commercially sensitive details. This explanation is not provided on our website, and we are therefore not compliant under the CoPaCC methodology.

(3) The Record Management Policy is currently being revised as part of a wider review of policies and procedures within the OPCC. The principles of the previous record management policy operated by the Hampshire Police Authority continue to be followed, although not all information is applicable. This is not stated on our website, and we are therefore classed as non-compliant using the CoPaCC methodology.

5. MONITORING OF COMPLIANCE

- 5.1 The Chief Executive, in the role of monitoring officer, will continue to oversee compliance with the legislation, with regular monitoring carried out by the Executive Advisor. A refresh of the PCC website will also result in greater ease of access to the information listed in the legislation, which will be balanced with the need for the general public to access the information they require when visiting the site.

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APPENDICIES:

Appendix A – CoPaCC report.