

POLICE & CRIME PANEL – 27 SEPTEMBER 2018

PROPOSED POLICE MERGER – SCRUTINY OF PCC DECISION

REPORT BY THE CHIEF EXECUTIVE

PURPOSE OF THE PAPER

To provide the Panel with an overview of the governance and due diligence process undertaken by the Police and Crime Commissioner in respect of reaching a decision on the full business case for the proposed merger of Dorset Police and Devon & Cornwall Police.

1. BACKGROUND

- 1.1 In September 2017, the Chief Constables of Dorset Police and Devon & Cornwall Police announced their intention to explore further collaboration and closer working between the two forces; driven by a request from both PCCs for further efficiencies across both Forces. These plans were fully supported by the two Police and Crime Commissioners. The collective view was that it was right to explore whether a full merger between the two forces would bring additional benefits above and beyond those that could be achieved through collaboration alone.
- 1.2 Dorset Police and Devon & Cornwall Police, and their respective OPCCs, put in place project management and supporting governance for this new exploratory work. The programme was scheduled to deliver an outline business case for merger by April 2018, which was duly achieved.
- 1.3 The outline business case concluded there was sufficient merit in the initial proposals for force merger, compared to the baseline of the Strategic Alliance, to suggest that a full business case be developed. As before, a programme was drawn up in conjunction with advice from Home Office officials, based on their requirement to submit any agreed business case to the Home Secretary by 12 October 2018.

2. DORSET POLICE AND CRIME PANEL ROLE AND KEY LINES OF ENQUIRY

- 2.1. The Dorset Police and Crime Panel (PCP) is cognisant of its role and responsibilities in this matter, which were clarified at its last meeting on 26 June 2018, in a formal response to a member of the public who had raised a question on the topic. This response was published alongside the formal minutes of that meeting, and provided the content for a formal letter and annexed Key Lines of Enquiry document from the PCP Chair to the OPCC Chief Executive, dated 8 July 2018.
- 2.2. Relevant elements of this letter are reproduced below (italicised):

You may recall at the Dorset Police and Crime Panel (PCP) on 26 Jun 18, we discussed the process of how the panel was going to review the Business Case (BC) for the proposed

merger between Dorset Police and Devon & Cornwall Police Forces. In summary, it was agreed that:

- *The PCP would provide the Office of the Police and Crime Commissioner (OPCC) with an agreed set of Key Lines of Enquiry (KLOE).*
- *The OPCC would deliver an informal briefing to the PCP on the intricacies of the merger BC in August 2018.*
- *The PCP would formally consider and scrutinise the OPCC on the proposal of the Police Force merger on 27 September 2018. This will ensure that the views of the PCP are correctly captured in order to feed into the stakeholder consultation process.*

In order to move this process forward, please:

- *Find at Annex A the agreed KLOE. The panel is seeking to see these elements:*
 - *Explored and discussed at the informal briefing in Aug 18.*
 - *Officially answered, and then scrutinised, at the PCP on the 27 September 2018.*

2.3. As per the Chair's letter, PCP members were invited to attend Dorset Police HQ for an informal briefing on the merger process from the PCC and Chief Executive. This briefing was held on 24 August 2018, and was well attended by members. A Home Office official attended as an observer, but did intervene on matters of process concerning the production and requirements of the business case. In feeding back to members by email following the briefing, the Chair described it as "successful", a view shared by the OPCC Chief Executive.

2.4. Following on from the Chair's letter, the requirement for the 27 September 2018 PCP meeting is for the key lines of enquiry to be "officially answered and then scrutinised."

2.5. The Dorset PCP Key Lines of Enquiry document for the proposed merger of Dorset Police and Devon & Cornwall police is set out below (italicised):

1. *Dorset PCP recognises that its role, formally established under the Police Reform and Social Responsibility Act 2011, is to scrutinise the Police and Crime Commissioner (PCC), who has been democratically elected to office by the residents of Dorset. The panel is also clear in recognising that the approval, or otherwise, of the subject Full Business Case for submission to the Home Office rests only with the four Corporations Sole (e.g. the two PCCs and two Chief Constables). The final decision on the merger lies with the Home Office.*
2. *In considering the subject Business Case, the Home Office will want to see sufficient support locally, from the public, local Members of Parliament, Local Authorities as well as staff and Unions. The Home Office "would expect there to be no clear objection from key policing bodies." The Dorset PCP has been specifically identified as one of these key stakeholders.*
3. *Therefore, to meet the PCP's specific roles and responsibilities, the following Key Lines of Enquiry (KLoE's) are submitted to the Dorset OPCC in order to assist the panel in the objective evaluation of the merger proposal:*
 - *Does the merger proposal have a clear economic basis?
[Including a clear and viable path for precept equalisation.]*
 - *Will the merger improve the efficiency of the police?*
 - *Will the merger improve the effectiveness of policing in the area?*
 - *Will the merger have an impact on public safety?*

- *Does the proposal have sufficient local support?*

In addition, the PCP will be seeking assurance from the Dorset OPCC on:

- *Adherence to the merger process and its effective management.*
- *How, due to the merger, the public will continue to have an effective voice/scrutiny on policing in Dorset?*
[Which covers a large geographical area from The Isles of Scilly to Land's End to Christchurch - under one PCC.]

- 2.6. For the sake of clarity, it is worthwhile labouring the points made in the KLoE document.
- 2.7. The first point recognises that the decision-making bodies responsible for signing off the business case for merger are the four corporations sole, and that the final decision on merger lies with the Home Office. The roles and responsibilities of both the PCC and the PCP are set out in legislation, and it is important to ensure that a clear delineation is maintained. Therefore, whilst the PCP absolutely plays a clear role in scrutinising the decision of the PCC, it would be helpful if this focuses on process and does not seek to conclude whether the decision was right or wrong, but rather whether the decision was made in the right way.
- 2.8. The second point identifies that the Dorset PCP is one of the “key policing bodies” for whom the Home Office “would expect there to be no clear objection.” Whilst the OPCC position remains that it would be helpful if any PCP concerns are raised locally to provide the best opportunity for these to be addressed, the Home Office has also advised that key policing bodies and other stakeholders are able to make direct representations, even after the business case has been submitted (but before any Ministerial decision).
- 2.9. The third point helpfully outlines that the KLoE’s are the agreed mechanism by which Dorset PCP is seeking the necessary assurance to fulfil its specific role and responsibilities. With these in mind, the presentation tabled at the Dorset PCP meeting of 27 September 2018 will address each KLoE in turn.
- 2.10. Whilst it is a matter for the Dorset PCP to determine how “no clear objection”, or otherwise, is shown; the OPCC suggests that a letter from the Chair to the PCC following the 27 September meeting would be helpful.

3. RECOMMENDATIONS

- 3.1. Members are recommended to agree that the Police and Crime Commissioner’s decision has followed appropriate procedure and is supported by evidence.
- 3.2. Members are recommended to agree to write, through the Chair, to the Police and Crime Commissioner as per the above recommendation.

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