

Scottish Police Authority (SPA) Review of Police Governance

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

17 December 2015

1 PURPOSE AND SUMMARY

- 1.1 **This report sets out the proposed response to the Scottish Police Authority's Review of Police Governance. This review has been requested by the Cabinet Secretary for Justice and aims to ensure that robust accountability arrangements for the future are in place.**
- 1.2 The Chief Executive received a letter dated 17 November 2015 from Mr Andrew Flanigan, Chair of the Scottish Police Authority (SPA) requesting views on the Review of Police Governance (see Appendix1). The deadline for replies is Wednesday, 16 December 2015 and an extension has been given in order that this response can be approved by the Council.
- 1.3 The remit of the Review covers national/local relationships, scrutiny, communication, and partnership working. The proposed Council response is based on the work carried out by its Police, Fire & Rescue and Safer Communities Board. The Board has been at the forefront in expressing its concern to the Scottish Police Authority and Police Scotland about the need for the stronger accountability of policing in local areas and for more effective two-way communications between national policing and local Scrutiny Boards and local authorities.

2 RECOMMENDATION

- 2.1 **I recommend that the Council agrees the response as set out in Section 4 of this report.**

3 BACKGROUND

- 3.1 On 3 September 2015, the Cabinet Secretary for Justice asked the new Chair of the Scottish Police Authority, Andrew Flanagan, to undertake an immediate review of governance in policing and report by March 2016. This Governance Review aims to ensure that accountability arrangements for policing can build on the lessons learned during the operation of the single force to date and ensure robust arrangements are in place for the future.
- 3.2 The Chief Executive of Scottish Borders Council received a letter from Mr Flanagan, Chair of the SPA dated the 17th November 2015 (see Appendix 1) inviting the Council to submit any broader issues, views or evidence that should be considered within the review. The remit of the review as set out by the Cabinet Secretary is to:
- (a) Ensure that local interests are effectively represented in national scrutiny processes; that decision making on national priorities, policies and programmes takes account of local needs; and that there is appropriate discretion and flexibility within national policies to reflect local circumstances.
 - (b) Ensure that the Scottish Police Authority has the appropriate structures and skills to undertake effective scrutiny. In so doing identify any skills gaps and development requirements and consider any external expertise that needs to be brought to bear to support scrutiny of major change programmes.
 - (c) Review the information flows and communication between Police Scotland and the SPA to ensure the authority has all of the material and data required timeously to fulfil its scrutiny function; and the information made available to Her Majesty's Inspectorate of Constabulary in Scotland (HMICS), the Scottish Government and the Scottish Parliament to fulfil their respective roles.
 - (d) Review the way the Authority works with other stakeholders to ensure its approach is rooted in partnership and contributes effectively to wider policy objectives across the public sector. Propose measures to strengthen communication with partners and communities about the work of the Authority and policing more generally.

4 THE RESPONSE FROM SCOTTISH BORDERS COUNCIL

- 4.1 Scottish Borders Council's Police, Fire and Rescue and Safer Communities Board has the responsibility for scrutinising the performance of policing in the Scottish Borders. The Council receives the detailed minutes of these meetings. Police Scotland's Scottish Borders Local Policing Plan 2014 -17 sets the objectives and priorities for local policing in the Scottish Borders and the Plan was approved by Scottish Borders Council at its meeting on the 27 March 2014.
- 4.2 The Scottish Borders Police, Fire and Rescue and Safer Communities Board is recognised as an example of good practice nationally by the Scottish Police Authority, Her Majesty's Inspectorate of Constabulary in Scotland, the Scottish Fire and Rescue Board, and the Scottish Government in terms of its approach to scrutiny, its strong partnership approach and its relationship to community planning.
- 4.3 The Board has been at the forefront of expressing its concern to the Scottish Police Authority and Police Scotland about the need for: stronger representation of local interests in national scrutiny processing; national policing priorities and policies to take greater account of local needs; and

much more sensitivity to be given by the police to local priorities and issues. The Board's concerns have arisen because of the series of changes characterised by limited consultation by Police Scotland including changes to police counters, traffic wardens, stop and search procedures, and armed policing. The Board has made representations on these issues to the Scottish Police Authority (SPA), Her Majesty's Inspectorate of Police, and Police Scotland: in submissions; at its regular quarterly meetings; and other meetings at which Police Scotland and the SPA have been represented.

- 4.4 It is vital that there is an effective joint planning approach between the Scottish Police Authority (SPA), Police Scotland and Local Authorities through local Scrutiny Boards to agree both strategic and operational changes including changes to national policies, programmes, and services that impact on local policing. Such joint planning must allow sufficient time for discussion on the changes coming forward and it is proposed that this should involve aligning the national meetings of the Scottish Police Authority with meetings of the local Scrutiny Boards.
- 4.5 These new joint planning arrangements would enable early discussion of national policing matters that would have a local impact, and for local policing issues of national relevance to be highlighted to the SPA for comment and action. This process could be supplemented by six monthly meetings that bring together the Chairs and other representatives of local Scrutiny Boards and the Scottish Police Authority. It is considered that the introduction of these processes would result in much more effective two way communications.
- 4.6 In the Scottish Borders, the Council has a very close relationship with local police. There is a strong integrated safer communities' team based within Scottish Borders Council. This is having a positive impact on reducing crime and anti-social behaviour incidents. However, there is a need for Police Scotland to give much more recognition to the need for a local focus as part of its national approach. This would involve empowering local police to operate much more flexibly to deal with local priorities focusing on early intervention and prevention. It is considered that the locality approach developed by Police Scotland through the Multi-Member Wards planning process provides the opportunity to do this provided there is effective local consultation and engagement. Police Scotland should look upon local authorities as a conduit to assist their communication in local areas.
- 4.7 As mentioned in the evidence provided by Scottish Borders Police, Fire & Rescue and Safer Communities Board to the Armed Policing Inquiry in November 2014, it is considered that there should be a move in the medium and longer term to local Scrutiny Boards overseeing the work of the emergency services as a whole. It would cover the services delivered by the Police, Fire and Rescue, Ambulance Services and the Coastguard. This would recognise the overlaps in these services in dealing with community safety, road safety and emergency situations. It would also help in providing a streamlined two way communication system with the public on police and community safety incidents.

5 IMPLICATIONS

5.1 Financial

There are no direct financial costs as a result of the recommendations of this report.

5.2 Risk and Mitigations

There is a reputational risk to the Council if it does not advocate as strongly as possible for the effective accountability of policing for local areas. Policing also has strong links to many Council services.

5.3 Equalities

It is anticipated there are no adverse impacts due to race, disability, gender, age, sexual orientation or religious/belief arising from this report.

5.4 Acting Sustainably

There are no sustainability issues in relation to this report.

5.5 Carbon Management

There are no significant effects on carbon emissions arising from this report.

5.6 Rural Proofing

While this report does not propose any new or amended policy effective accountability of policing is important to rural areas across the Scottish Borders.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to the Scheme of Administration or Scheme of Delegation arising from this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into the report.
- 6.2 Corporate Communications have been briefed and consulted on the proposals.

Approved by

Tracey Logan
Chief Executive

Signature

Author(s)

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Background Papers: None

Previous Minute Reference: None

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