

Partnership working with the Office of the Devon and Cornwall Police & Crime Commissioner and Devon and Cornwall Constabulary

Report of the Head of Devon Audit Partnership

Please note that the following recommendations are subject to confirmation by the Committee before taking effect.

Recommendation:

i That the Committee notes and endorses the continued commitment to partnership working and potential developments with colleagues at both the Office of the Police & Crime Commissioner and the Devon and Cornwall Constabulary.

Background

The Police, having for many years bought into Devon Audit Partnership (DAP) Internal Audit services, recently considered tendering for the provision of their Internal Audit services.

However, following recent discussions between senior officers at Devon CC and the Police (Constabulary and Office of the Police & Crime Commissioner) rather than go out to tender the Police are now looking to have a closer involvement with DAP whereby they might have a seat on the Joint Committee/Management Board.

The Joint Committee

The Devon Audit Partnership is established as a joint committee under the provisions of the Local Government Act 1972. Under these provisions two or more local authorities may discharge their functions through a joint committee. However the Police do not come into the definition of a local authority and therefore cannot discharge their audit function through this Joint Committee. We are considering if the Police could have a seat on the DAP Joint Committee and also on the Management Board.

Dealing first with the Joint Committee. S102(3) of the LGA 72 provides that a joint committee can include persons who are not members of the appointing authorities. However, we have looked at the relevant provisions in the Local Government & Housing Act 1989 (s13) and reached the conclusion that a co-opted Police representative could not vote.

In respect of the Management Board, subject to some amendments being made to the DAP Agreement terms of reference, a Police (OPCC) representative would sit on the Board and exercise voting rights if that is what is desired.

Next steps

If the above is approved then there would need to be a short amending agreement as between the three Councils that form DAP to reflect the necessary changes. An SLA would need to be entered into between the authorities and the Police (OPCC) that :

- a) recognises their rights within DAP and
- b) sets out the level of service DAP is to provide to them.

The amended agreement would need to then be approved by each of the Partners. If the amendment is approved in line with how the original agreement was approved then the following would apply

- Devon County Council - Cabinet
- Torbay – to follow
- Plymouth – Cabinet

Robert Hutchins
Devon Audit Partnership November 2013