

HAMPSHIRE AND ISLE OF WIGHT POLICE AND CRIME PANEL

Report

Date considered:	21 July 2023
Title:	Sub-Committee and Working Group Arrangements
Contact:	Democratic Services Officer to the Panel

Tel: 0370 779 6176

Email: hampshire.iow.pcp@hants.gov.uk

Purpose of this Report

1. The purpose of this paper is to set out the proposed arrangements and membership a Complaints Sub-Committee, Policy and Performance Working Group and Precept 2024/25 Task and Finish Group to operate under the Hampshire and Isle of Wight Police and Crime Panel (PCP).

Recommendations

2. That the Panel agree the continuation of the Complaints Sub-Committee and the Policy and Performance Working Group for the 2023/24 municipal year, in accordance with the updated Terms of Reference set out in appendix one and appendix two of this report.
3. That the Panel agrees to appoint a Precept 2024/25 Task and Finish Group, in accordance with the Terms of Reference set out in appendix three of this report.
4. That the Panel agree the membership of the Complaints Sub-Committee, Policy and Performance Working Group and Precept 2024/25 Task and Finish Group for the 2023/24 municipal year.
5. That the Panel notes that the agreed terms of reference for the Sub-Committee and Working Groups will be published on the Panel's website following the meeting.

Sub-Committee and Working Groups

Complaints Sub-Committee

6. The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire and Isle of Wight (PCC), and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC).
7. At its meeting on 19 October 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee. An updated terms of reference for this Sub-Committee are attached as appendix one.
8. This Sub-Committee meets on an ad hoc basis. In the previous year, the Sub-Committee met on two occasions.
9. The Sub-Committee is appointed on a politically proportionate basis and is made up of five members. Membership includes one of the PCP's two independent co-opted Members, who shall be appointed Chairman.
10. It is suggested that, as in previous years, the Chairman of the Panel will not be a member of this Sub-Committee. This will enable the Chairman to be independent of the process should an issue relating to the handling or outcome of a complaint arise.
11. It is recommended that the membership of this working group remain at five members.

Policy and Performance Working Group

12. In July 2022, the PCP introduced a Policy and Performance Working Group, to enhance the PCP's scrutiny of delivery of the Police and Crime Plan by the PCP, through undertaking an in-depth review of performance. An updated terms of reference for the working group are attached as appendix two.
13. The working group meets on a quarterly basis, with meetings scheduled in advance, and reports back to each meeting of the full Panel.
14. It is recommended that the membership of this working group be set at five members.

Precept 2024/25 Task and Finish Group

15. At a meeting of the Panel on 8 July 2022 it was agreed that a Task and Finish Group meet between November and January each year to review the Commissioner's draft budget and precept proposals.
16. The terms of reference for the Task and Finish Group is set out in appendix three of this report.
17. It is proposed that the Task and Finish Group meet a minimum of three times between October 2023 and January 2024, with additional meetings scheduled in advance as required.
18. It is proposed that the Task and Finish Group be formed of up to five members and should, where possible, seek to be a cross party group and include at least one of the PCP's Independent Co-opted Members within its membership.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
N/A	N/A



COMPLAINTS SUB-COMMITTEE

TERMS OF REFERENCE

1. Role and Purpose of the Complaints Sub-Committee

The Complaints Sub-Committee (the Sub-Committee) is a permanent Sub-Committee of the Hampshire and Isle of Wight Police and Crime Panel (PCP), with membership agreed annually at the Panel's Annual General Meeting (AGM).

The PCP is responsible for handling complaints made against the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC), should one be appointed. The Complaints Sub-Committee's purpose is to review and determine all complaints made against the PCC and DPCC in line with the Panel's complaints protocols.

2. Scope of the Complaints Sub-Committee

Objectives:

1. To review and determine any complaint received against the PCC or DPCC which makes allegations of a breach of the PCC's code of conduct, in line with the PCP's complaints protocols. In discharging their duties, the Sub-Committee shall have regard to:

- The Code of Conduct of the PCC/DPCC;

- Whether the complaint discloses a specific conduct failure on the part of the PCC/DPCC, identifiable within the Code of Conduct of the PCC/DPCC, or whether it relates to operational matters of the Constabulary, and operational policing matters in which the PCC has no authority;
- The remedies available to it;
- All other relevant considerations.

In undertaking their responsibilities, the Sub-Committee will consider how any action plan or recommendation made following determination of a complaint will seek to resolve a complaint, and support the PCC in avoiding future complaints of a similar nature.

Exclusions:

The Sub-Committee will only consider complaints which appear to be qualifying complaints within the meaning of section 31(1)(a) of the Police Reform and Social Responsibility Act 2011.

In accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and any amending legislation, the Complaints Sub-Committee may not conduct an investigation. The Complaints Sub-Committee may exercise its delegated powers to require the person complained against to provide information or documents, or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation.

If, at any stage, the IOPC informs the PCP that they require the complaint to be referred to them, the Sub-Committee will do so on behalf of the PCP. If matters come to light during the resolution process which indicates the commission of a criminal offence,

the complaint must be referred to the IOPC by the Sub-Committee as a potential 'serious complaint' and any resolution process suspended.

3. Method

The Sub-Committee shall meet on an ad-hoc basis in response to complaints activity, in accordance with the 'complaints protocol'.

As a Sub-Committee of the Panel, Access to Information rules for the public will apply to these meetings. Circulation of agendas and minutes will be in accordance with Rule 4 of the Panel's Rule of Procedure.

At each meeting consideration will be given as to whether, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public should be excluded for the consideration and determination of the complaint/s, on the grounds that the reports(s) may contain or there may otherwise be disclosed information which is defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972, where the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

At any stage, members of the Sub-Committee or their supporting officers may seek legal advice from the Panel's legal adviser.

4. Membership

The Membership of the Sub-Committee shall be determined at each Annual General Meeting (AGM) of the Panel.

The Sub-Committee shall be appointed on a politically proportionate basis and made up of five members. Membership

shall include one of the PCP's two independent co-opted Members, who shall be appointed Chairman.

If during any meeting of the Sub-Committee, the Chairman after counting the number of members present declares that there is not a quorum¹ present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman.

5. Outcomes

The Complaints Sub-Committee will provide an annual report to the AGM of the PCP, held in public, setting out complaint activity during the previous 12 calendar months.

¹ The Quorum for meetings of the Sub-Committee is three Members, in accordance with the Local Government Act 1972.

Annexe

Background

The PCP is responsible for handling complaints made against the PCC, and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Police Complaints Commission. In 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee, in accordance with its agreed 'Complaints protocol'.

Further information can be found online:

<https://www.hants.gov.uk/aboutthecouncil/governmentinhampshire/police-crime-panel/complaints/complain-police-crime-commissioner>



POLICY AND PERFORMANCE WORKING GROUP

TERMS OF REFERENCE

1. Role and Purpose of the Policy and Performance Working Group

The Policy and Performance Working Group (the Working Group) is a permanent Working Group of the Hampshire and Isle of Wight Police and Crime Panel (PCP), with membership agreed annually at the PCP's Annual General Meeting (AGM).

The Working Group's purpose is to support the PCP in their statutory responsibility to scrutinise delivery of the Police and Crime Commissioner's (PCC) Police and Crime Plan.

2. Scope of the Policy and Performance Working Group

Objectives:

1. To review the draft Police and Crime Plan, ahead of its scrutiny by the PCP. Through this activity members of the Working Group will make suggestions to the PCP on areas of scrutiny against the draft plan. This responsibility also extends to reviewing any subsequent updates to the Police and Crime Plan as required.
2. To review progress against delivery of the objectives of the Police and Crime Plan. At each meeting the Working Group will

receive a detailed update from the PCC on delivery against specific objectives within the Police and Crime Plan, as defined within the PCP's Work Programme. Through this activity members of the Working Group will make suggestion to the PCC on information to be presented at meetings of the full Panel and to the PCP on areas of scrutiny.

3. To review progress against activity and initiatives, driven by the Police and Crime Commissioner, to enhance equality and diversity through delivery of their Police and Crime Plan. Key activities include:

- Receiving updates on matters of concern and interest from the Office of the Police and Crime Commissioner (OPCC).
- Making suggestions to the PCP upon areas for note or further scrutiny.
- Reviewing and monitoring the PCC's response to any recommendations made by the PCP in respect of equality and diversity.

4. To take a lead on the PCP's proactive scrutiny work programme. Key activities include:

- Making recommendations to the PCP upon themes for proactive scrutiny reviews.
- Drafting the scope for proactive scrutiny sessions, including the identification of witnesses to approach for written and oral evidence, and lines of enquiry for the review.
- Reviewing written evidence received and identifying lines of enquiry.
- Leading the drafting of scrutiny reports prior to agreement by the PCP, including the identification of areas of conclusion and recommendation.
- Reviewing and monitoring the PCC's response to the recommendations of PCP scrutiny reports.

5. To scrutinise the budget and how it reflects the priorities of the Police and Crime Plan. Key activities may include reviewing and receiving update against the Medium-Term Financial Strategy and in-year financial performance and scrutinising the financial impact of any significant projects or activity.

In undertaking their responsibilities, the Working Group will consider how outcomes from their work will enable the PCP to enhance the effectiveness of their scrutiny and support of the PCC in the delivery of the Police and Crime Plan, inform and enhance equality and diversity across Hampshire and the Isle of Wight and support the PCP to comply with their duty under schedule 5 of the Police Reform and Social Responsibility Act 2011, to deliver effective financial scrutiny of the PCC.

Exclusions:

The Working Group will only consider matters which relate to the role and duties of the PCC, and not those which specifically regard the operational delivery of Hampshire and Isle of Wight Constabulary or the responsibility of other statutory bodies.

3. Method

The Working Group will meet a minimum of four times per year, with additional meetings arranged with the agreement of the Chairman if required. The four scheduled meetings will take place approximately six weeks before date of the full PCP meetings. As a Working Group, meetings will be informal and not be held in public, therefore Access to Information rules for the public will not apply to these meetings.

The Working Group may call on any member of the PCP to join them as an 'expert' adviser, in order to support the effective discharge of their responsibilities.

Where the Working Group requires further information from the PCC in order to enhance the efficiency of their work, such information will be requested.

Additionally, members of the Working Group or their supporting officers may seek advice from officers of the lead authority for the PCP or from other local authorities within the policing area, as appropriate.

Members of this Working Group will usually represent the PCP at conferences and events hosted by the OPCC and other organisations which relate to the areas of responsibility of the Working Group.

4. Membership

Membership for the year is determined at each AGM of the PCP.

The Working Group shall be formed of five members. All Members of the PCP are eligible for membership and although, political proportionality is not required, where possible the PCP should seek to maintain cross-party representation.

The Working Group may request additional members of the PCP to contribute to the activities of the Working Group as they find advantageous in the course of their considerations. The Working Group may also invite representatives of the OPCC or other expert advisers to attend meetings in order to provide advice. Any such attendees will not be full members of the Working Group.

5. Outcomes

The Working Group will provide draft reports and updates, including proposed recommendations, to the PCP for consideration at formal Panel meetings.



PRECEPT 2024/25 TASK AND FINISH GROUP

TERMS OF REFERENCE

1. Role and Purpose of the Group

The Precept Task and Finish Group is established to support the Hampshire and Isle of Wight Police and Crime Panel (PCP) in their statutory responsibility to scrutinise the Police and Crime Commissioner's (PCC) proposed precept for 2024/5.

2. Scope of the Task and Finish Group

Objectives:

To review and interrogate supporting information prepared by the PCC and their office (including the budget and related financial papers), in advance of consideration, by the PCP, of the PCC's proposed precept.

The Task and Finish Group will prepare an update to the full Panel, in advance of their review of the proposed precept, which will include proposed areas for scrutiny, to support the PCP to enhance its scrutiny of the precept proposed.

Members of the Task and Finish Group will receive progress updates from the PCC leading up to the precept setting and may suggest appropriate information to be presented to the full Panel to enable them to comply with their duty under schedule 5 of the

Police Reform and Social Responsibility Act 2011, to deliver effective financial scrutiny of the PCC and reach an informed decision when considering the proposed precept.

Exclusions:

The Task and Finish Group will focus their scrutiny on matters which relate to the role and duties of the PCC, and not those which specifically regard the operational delivery of Hampshire and Isle of Wight Constabulary or the responsibility of other statutory bodies.

3. Method

The Task and Finish Group will meet a minimum of three times between November 2023 and January 2024, with additional meetings scheduled in advance as required. As a Task and Finish Group of the Panel, meetings will be informal and will not be held in public, and access to information rules for the public will not apply to these meetings.

The Task and Finish Group may call on any member of the PCP to join them as an 'expert' adviser, in order to support the effective discharge of their responsibilities.

Where the Task and Finish Group requires further information in order to enhance the efficiency of their work, such information will be requested.

Additionally, members of the Task and Finish Group or their supporting officers may seek advice from officers of the administrative authority for the PCP, as appropriate.

4. Membership

Membership for the year is to be determined at the PCP's Annual General Meeting (AGM), where members can volunteer for

nomination to the Task and Finish Group, with the final membership agreed by the PCP.

The Task and Finish Group shall be formed of up to five members. All members of the PCP are eligible for membership and the Task and Finish Group should, where possible, seek to be a cross-party group and include at least one of the PCP's Independent Co-opted Members within its membership.

The Task and Finish Group may request additional members of the PCP to contribute to the activities of the group as they find advantageous in the course of their considerations. The Task and Finish Group may also invite representatives of the PCC's office or other expert advisers to attend meetings in order to provide advice, but these members will not be full members of the group.

5. Outcomes

The Task and Finish Group will provide a summary report to the PCP at its meeting in January 2024, outlining the groups review of the proposed precept and will present the PCP with proposed areas of scrutiny for consideration in their review of the PCC's proposed precept.