

# HAMPSHIRE POLICE AND CRIME PANEL

## Report

<b>Date considered:</b>	6 July 2018	<b>Item:</b>	14
<b>Title:</b>	Membership of Sub-Committee and Working Groups		
<b>Contact:</b>	Scrutiny Officer to the Panel		
<b>Tel:</b>	01962 847483	<b>Email:</b>	<a href="mailto:members.services@hants.gov.uk">members.services@hants.gov.uk</a>

### 1. Executive Summary

- 1.1 The purpose of this paper is to set out the proposed membership of the working groups and sub-committee that operate under the Hampshire Police and Crime Panel (PCP).

### 2. Sub-Committee and Working Groups

#### Complaints Sub-Committee

- 2.1 The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire (PCC), and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the IPCC.
- 2.2 At its meeting on 19 October 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee. The terms of reference for this Sub-Committee are attached as Appendix One.
- 2.3 This Sub-Committee meets on an ad hoc basis. In the previous year, the Sub-Committee has met once in person.
- 2.4 It is suggested that this working group has a membership of five, one of which is to be an independent member of the Panel who Chairs the Sub-Committee. This enables decision-making by the Sub-Committee to be faster, and will allow members on the Sub-Committee to develop an in-depth knowledge of the complaints process.
- 2.5 It is suggested that, as in previous years, the Chairman will not be a member of this Sub-Committee. The chairman's role in the complaint process will be to review outcomes and the protocol on an annual basis with the Chairman of the Sub-Committee. This will enable the Chair to be independent of the process should an issue relating to the handling or outcome of a complaint arise.

#### Police and Crime Plan Working Group

- 2.6 The PCP set up the Police and Crime Plan working group following the election of the Police and Crime Commissioner in May 2016, in order to

review the draft Police and Crime Plan. It has remained active since this time for the purpose of monitoring the implementation plan and drafting and leading the work-programme for proactive scrutiny sessions. The proposed updated terms of reference for this Sub-Committee are attached as Appendix Two.

- 2.7 The Police and Crime Plan working group has met four times in the last year, and these are scheduled in advance.
- 2.8 It is recommended that the membership of this working group remain at five members.

#### Finance Working Group

- 2.9 The PCP set up the Finance working group in 2012/13 in order to scrutinise the proposed budget and related financial papers prior to the PCP's review of the proposed precept. Since this time, it has continued to meet in order to review information in advance of the annual scrutiny of the proposed precept.
- 2.10 The Finance working group has met four times in the last year, and these are scheduled in advance as much as possible.
- 2.11 It is recommended that the membership of this working group remain at five members.

### **3 Recommendations**

- 3.1 That the Panel agree the final membership of the Complaints Sub-Committee, Police and Crime Plan working group and Finance working group for the 2018/19 year.**

**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.)**

Document

Location

N/A

N/A



## **COMPLAINTS SUB-COMMITTEE**

### **TERMS OF REFERENCE**

#### **1. Role and Purpose of the Complaints Sub-Committee**

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

The PCP is responsible for handling complaints made against the Police and Crime Commissioner (PCC) or the 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 protocol'.

#### **2. Scope of the Complaints Sub-Committee**

*Objectives:*

1. To review and determine any complaint received against the PCC or DPCC in line with the Panel's 'complaints protocol', which makes allegations of a breach of the PCC's code of conduct. In discharging their duties the Complaints 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 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 Agenda's and minutes will be in accordance with Rule 4 of the Panel's Rule of Proceedings.

It is anticipated that, 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 will be excluded for the consideration and determination of the complaint/s, at any meeting, on the grounds that the reports(s) 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 is determined during the Annual Meeting 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 Chair after counting the number of members present declares that there is not a quorum<sup>1</sup> present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair.

## **5. Outcomes**

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

## **Annexe**

### **Background**

The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire, 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:

<http://www3.hants.gov.uk/hampshire-pcp/pcc-complaints.htm>

---

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



## **POLICE AND CRIME PLAN WORKING GROUP**

### **TERMS OF REFERENCE**

#### **2. Role and Purpose of the Police and Crime Plan Working Group**

The Police and Crime Plan Working Group is a permanent working group of the Hampshire Police and Crime PCP (PCP), with membership agreed annually at the PCP's Annual Meeting.

The Police and Crime Plan Working Group's purpose is to take a lead on the PCP's proactive scrutiny work programme as well as supporting the PCP in their statutory responsibility to contribute to the development of the Police and Crime Commissioner's (PCC) police and crime plan.

#### **2. Scope of the Police and Crime Plan Working Group**

*Objectives:*

2. *To take a lead in the PCP's scrutiny of delivery against the police and crime plan. Key activities include:*
  - a. Reviewing the draft police and crime plan, ahead of its scrutiny by the full PCP. Through this activity Members of the working group will make recommendations to the PCC.
  - b. Reviewing any subsequent updates to the police and crime plan as required.
  - c. *Reviewing and scrutinising quarterly performance data, provided by the OPCC, outlining delivery against the objectives of the police and crime plan. Through this review the working group should identify key points of interest and/or concern to be brought forth to the full Panel meeting.*
3. To take a lead on the PCP's proactive scrutiny work programme. Key activities include:

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

In undertaking their responsibilities, the working group will consider how outcomes from scrutiny reviews can support the PCC in the delivery of the police and crime plan and inform and enhance the approach to tackling crime and improving community safety across Hampshire and the Isle of Wight.

*Exclusions:*

The working group will only consider matters which relate to the role and duties of the PCC, and not those which specifically regard operational policing or the responsibility of other statutory bodies.

### **3. Method**

The working group will meet a minimum of four times per year, with additional meetings scheduled in advance as required to support the review of the police and crime plan or the needs of the scrutiny programme. The four scheduled meetings will take place approximately six weeks before date of the full PCP meetings. As a working group of the Panel, meetings will not usually be held in public, and 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 in order to enhance the efficiency of the proactive scrutiny work programme, such information will be requested.

Additionally members of this working group will usually represent the PCP at conferences hosted by the Office of the Police and Crime Commissioner for Hampshire (OPCC) and other organisations which



focus upon on the thematic scrutiny topics being reviewed and considered by the PCP.

#### **4. Membership**

Membership for the year is determined during the Annual Meeting, where Members can volunteer for nomination to the working group, with the final membership agreed by the full PCP.

The working group shall be made up five members. All members of the PCP are eligible for membership and the working group should, where possible, seek to be a cross party group.

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, but these members will not be full members of the working group.

#### **5. Outcomes**

The working group will provide reports and updates, including outlining any recommendations, to the formal meetings of the Panel.

## **Annexe**

### **Background**

The Police and Crime Plan Working Group was set up on 2012 in order to review the draft Police and Crime Plan prior to the PCP's scrutiny of it in March 2013.

The PCP agreed at their January 2014 meeting to build on the 'statutory functions' by moving to a fuller work-programme focusing on core elements of the PCC's Police and Crime Plan. This included an agreement to:

- Hold two sessions at each meeting, with the morning session agenda items relating to the PCP's statutory functions and the afternoon session hosting a proactive scrutiny evidence gathering session.
- Hold additional meetings of the Police and Crime Plan working group in order to set the agenda for the afternoon sessions of the PCP, which would be based on the priorities of the Police and Crime Plan.
- Plan scrutiny sessions in advance so that information can be invited from the PCC, key partner stakeholders, and the public (written and oral evidence as specified by the members) in a timely fashion.
- Report to the PCC conclusions and recommendations outlining the PCP's findings following their scrutiny session.

The Plan Working Group has remained active since this time for the purpose of monitoring the implementation plan and through this to set themes for the proactive scrutiny and lead on the work in this area on behalf of the PCP.

Further information can be found online:

<http://www3.hants.gov.uk/hampshire-pcp/pcc-proactivescrutiny.htm>

Appendix Three



## **FINANCE WORKING GROUP**

### **TERMS OF REFERENCE**

#### **1. Role and Purpose of the Finance Working Group**

The Finance Working Group is a permanent working group of the Hampshire Police and Crime PCP (PCP), with membership agreed annually at the PCP's Annual Meeting.

The Finance Working Group's purpose is to take a lead on and support the PCP in their statutory responsibility to review the Police and Crime Commissioner's (PCC) annually proposed precept.

#### **2. Scope of the Finance Working Group**

##### *Objectives:*

To review and interrogate the supporting information (including the budget and related financial papers) prepared by the PCC in advance of consideration by the PCP to support the PCC's precept. Through this activity Members of the working group will review the position leading into precept setting and agree the information to be presented to the full Panel to support their scrutiny, and to better enable the Panel to prepare a report to the PCC on that proposed precept.

In undertaking their responsibilities, the working group will consider how outcomes from their work will help to support the PCP 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, and issuing its report.

#### **3. Method**

The working group will meet a minimum of two times per year, with additional meetings scheduled in advance as required to support the review of the PCC's proposed precept. Meetings are scheduled in advance of the meeting of the full Panel in January each year, when the PCP will consider the PCC's proposed precept, and following notification from the Office of the Police and Crime Commissioner (OPCC) that the draft budget and related financial papers are available for review. As a working group of the Panel, meetings will not usually be held in public, and 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 in order to enhance the efficiency of their financial scrutiny such information will be requested.

Additionally, members of the finance working group or their supporting officers may seek advice from Hampshire County Council's finance officers, as the present administrative authority for the PCP.

#### **4. Membership**

Membership for the year is determined during the Annual Meeting, where Members can volunteer for nomination to the working group, with the final membership agreed by the full PCP.

The working group shall be made up five members. All members of the PCP are eligible for membership and the working group should, where possible, seek to be a cross party group.

The working group will co-opt any additional members as they may 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, but these members will not be full members of the working group.

#### **5. Outcomes**

The working group will deliver a briefing to the full Panel meetings, held in public, ahead of their scrutiny of the PCP's proposed precept.