



SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL

Informal meeting – not open to the public

WEDNESDAY 12 SEPTEMBER 2012, 2.00 PM

Pathfinder House, Room 0.1b - Huntingdonshire District Council

Contact – Alexander.daynes@peterborough.gov.uk, 01733 452447

AGENDA

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1. Welcome and Introduction (Mike Davey)	
2. Election of Chairman (Mike Davey)	
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Membership:

Councillors: M Maguire, J D Ablewhite, M Curtis, G Elsey, N Khan, J Palmer, B Shelton, T Bick, I Walsh, R West and K Wilkins

Officer Support:

Adrian Chapman, Liz Bisset, Dorothy Gregson, Mike Davey

SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 4
12 September 2012	

Report of Head of Legal Services, Peterborough City Council

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TERMS OF REFERENCE & RULES OF PROCEDURE

1. PURPOSE

- 1.1 The purpose of this report is to review the terms of reference and rules of procedure to be adopted by the Police and Crime Panel.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- (a) the Panel note the proposed terms of reference
- (b) the Panel review the proposed rules of procedure and agrees:
 - (1) whether the Chairmanship of the Panel should be fixed for a number of years or rotated on an annual basis
 - (2) the number of meetings to be held each year
 - (3) the extent of public involvement at the meetings
- (c) a further report is brought to the Panel meeting in January 2013 to adopt the revised terms of reference and rules of procedure

3. TERMS OF REFERENCE

- 3.1 The terms of reference for the Panel are defined by the obligations under the Police Reform and Social Responsibility Act 2011 which introduced the concept of the Police and Crime Panel. The terms of reference include both mandatory and discretionary functions. The proposed terms of reference are included as Appendix 1.
- 3.2 The terms of reference will remain fixed as they reflect the full extent of the Panel's powers. It will be a matter for the Panel however to consider how responsive its scrutiny function will be i.e. the level of resource it allocates to this function.
- 3.3 The 'special functions' set out in the terms of reference are those which have to be carried out by the Panel alone and cannot be delegated to a sub-committee. These include the principal functions of:
- reviewing the Police and Crime plan
 - reviewing the annual report
 - confirming certain senior appointments with a power to veto the proposed appointment of the Chief Constable
 - reviewing the budget with the power to veto the precept set by the Commissioner
- 3.4 The functions of the Panel also include a mandatory requirement to scrutinise decisions of the Commissioner, although this function may be delegated to a sub-committee of the Panel.

4. RULES OF PROCEDURE

- 4.1 The rules of procedure outline how the Panel will operate. They can also be referred to as the standing orders of the Panel.

5. KEY ISSUES

- 5.1 Unlike the terms of reference the rules of procedure allow the Panel to decide how it wants to carry out its mandatory functions.

5.2 Panel chair

The rules must cover the appointment, resignation and removal of the panel chair. There could be several options for chairing the panel meetings. The panel itself will need to choose whether:

- the panel elects a chair at the first meeting and annually (after relevant local and police and crime commissioner (PCC) elections) or
- the role of panel chair will be rotated amongst the membership, or
- the chair might be agreed for the same period that the PCC is elected for.

- 5.3 The removal of a chair under these rules is dealt with by simple vote of no confidence. There are no qualifications around the calling for a vote of no confidence and the matter is decided by majority vote of the Panel.

5.4 Sub-Committees

The rules of procedure also cover the creation and operation of sub-committees. Sub-committees will deal primarily with any scrutiny of Commissioner decisions. Whilst there is a general view that scrutiny of local issues will be necessary for the Panel to inform its understanding of the Police and Crime Plan, this has to be weighed up against the limited budget available to the Panel.

- 5.5 Under the Panel arrangements which have been agreed by the Cabinet and/or Council of each of the Cambridgeshire authorities it was agreed that any additional funding for the work of the Panel would have to be shared equally amongst each of the participating local authorities. Such work will have to be budgeted for carefully so as not to create any unexpected items of expenditure.

5.6 Public participation

The panel, as a joint local authority committee, will be bound by legislation about public accessibility to meetings. This means that meetings will be held in public (unless confidential or exempt information will be disclosed) and the public will have rights to see reports and background papers and any record of decisions. Rules regarding public access to the work of the Panel are set out in Annex A to the draft rules.

- 5.7 Members of the Panel are invited to give their views on the extent of public engagement at meetings of the Panel, principally whether to allow public speaking and if this should be at the Chair's discretion or questions notified in advance of any meetings. It is presumed that no public participation will be permitted when the Committee may be confirming senior appointments, however this is for the Panel to consider.

6. IMPLICATIONS

- 6.1 There are no legal considerations which have not been addressed in this report. There are budget considerations as the Home Office budget to support the work of the Panel is limited and future funding is not guaranteed, however there is a further paper on the Panel's budget which deals specifically with these issues.

7. CONSULTATION

- 7.1 Consultation on the proposals for the membership of the Cambridgeshire Police and Crime

Panel has been undertaken with the Secretary of State and the Local Government Association. Once membership is confirmed, the manner in which the Panel carries out its functions is a matter for the participating authorities. The Police Authority has been consulted on the contents of this report and officers of the local authorities and the Police authority have been working together in a working group to assist in the formulation of the Panel.

8. NEXT STEPS

- 8.1 Members are asked to give their views on the operation of the Panel so that the terms of reference and rules of procedure can be finalised. They will then be brought to the meeting of the Panel in January 2013 to confirm and adopt them.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 Police Reform and Social Responsibility Act 2011
LGA guidance "Police and Crime Panels"

10. APPENDICES

Appendix 1: Draft terms of reference
Appendix 2: Draft rules of procedure

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Cambridgeshire Police and Crime Panel

TERMS OF REFERENCE

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

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Cambridgeshire Police and Crime Panel Rules of Procedure

1.0 General

1.1 In this document:

- the “Panel” is the Police and Crime Panel for the Cambridgeshire Police Force;
- the “Secretariat” is the financial, administrative, scrutiny and other officer support to the Panel;
- the “Host Authority” is the council which is host to the Secretariat at the relevant time;
- the “Act” is the Police Reform and Social Responsibility Act 2011;
- the “Panel Arrangements Document” is the document which sets out the agreement of all 7 Authorities on the overarching framework for how the Panel will operate;
- the “Rules” are the rules as set out in this Rules of Procedure Document.

1.2 These Rules of Procedure (“the Rules”) are made by the Panel pursuant to Schedule 6, paragraph 25, of the Police Reform and Social Responsibility Act 2011 (the ‘Act’).

1.3 The Police and Crime Panel (‘the Panel’) will be conducted in accordance with the Rules. The Rules should be read and considered in conjunction with the Panel Arrangements.

1.4 The Rules shall be reviewed annually at the Panel’s Annual meeting. In the first year of operation amendments may be made mid-year to take into account the Memorandum of Understanding between the Panel and the newly elected Police and Crime Commissioner; and at any time may be updated should regulations require.

1.5 The Rules shall not be amended unless written notification of the amendment/s required are received by the Panel Secretariat not less than fifteen working days prior to the Panel meeting. No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance.

1.6 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail. The Monitoring Officer of the Host Authority will have the final ruling as to the interpretation of legal

1.7 Where the Rules do not explicitly address an issue the Standing Orders from the Host Authority will apply.

1.8 All Panel members will be subject to a Member Code of Conduct which for elected members will be those of their own Council; co-opted members will be subject to the Code of Conduct of the Host Authority provided that the Panel may agree to adopt such additional protocols as it thinks fit.

2.0 Election of Chairman and Vice-Chairman

2.1 The Chairman and Vice-Chairman of the Panel shall be elected from

amongst the members of the Panel. The election will take place annually at the Annual meeting of the Panel, which will normally be held in June of each year.

- 2.2 Save for the requirement for re-election; there is no maximum term length for the Chairman or Vice-Chairman positions.
- 2.3 The positions will be elected by those members present at the June Annual Meeting by a simple majority vote.
- 2.4 The Vice-Chairman will preside in the absence of the Chairman and if neither is present the Panel will appoint a Chairman from among the remaining Members for the purposes of that meeting.

3.0 Resignation and removal of the Chairman and Vice-Chairman

- 3.1 The Chairman and/or Vice-Chairman may be removed by a vote of no confidence by a simple majority vote at a formal meeting of the Panel.
- 3.2 In the event of the resignation or removal of the Chairman or Vice-Chairman an election for the position will be held at the next meeting of the Panel.

4.0 Panel Meetings

- 4.1 The Panel will hold at least four ordinary meetings per year to carry out its functions. The calendar of meetings will normally be agreed by the Panel at its Annual Meeting. Ordinary meetings will not be held in April or May.
- 4.2 Extraordinary meetings may also be called by the Chairman or by any four Members of the Panel or by the Monitoring Officer of the Host Authority.
- 4.3 Written notice must be given at least 10 working days before an Extraordinary meeting (unless the Chairman agrees that there are special reasons for an urgent meeting) and the meeting must then be held within 20 working days of the notice.
- 4.4 Any request for an Extraordinary Meeting must specify the particular item of business for which the Extraordinary Meeting of the Panel is to be called.
- 4.5 The Panel will determine the location and timing of its meetings, bearing in mind the principle that meetings should be rotated across the Cambridgeshire area.
- 4.6 Ordinary meetings will take place in accordance with a work programme agreed by the Panel, and will start at the time decided by the Panel. The maximum length of a meeting shall normally be three hours.
- 4.7 The agenda to be followed at ordinary meetings will be as follows:
 - 1. to receive apologies for absence;
 - 2. to receive any declarations of interest from members;
 - 3. to approve the minutes of the last meeting;
 - 4. to receive the minutes of sub-committees and task groups and any reports submitted to the Panel by those Sub-committees and

- task groups; and
 - 5. to consider written and verbal reports from officers and Panel members; and
 - 6. items requested by members of the Panel in accordance with 4.11
- 4.8 The only business to be conducted at an Extraordinary Meeting of the Panel will be to choose a person to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside and to consider the matter specified in the request to call an Extraordinary Meeting. No other business may be conducted at the meeting unless the Panel otherwise resolve.
- 4.9 The Panel Agenda, and accompanying papers, will normally be issued to Panel Members at least 5 working days before the meeting. It will also be published on the Panel's website and by sending copies to each Panel member, and publicised by any other means the Panel considers appropriate. Papers will normally be sent by Email.
- 4.10 The Secretariat will endeavour to co-ordinate the circulation of papers as early as possible to enable members to have as much time as possible to consider the issues before the meeting.

The scheduling of ad-hoc agenda items

- 4.11 Any Member of the Panel shall be entitled to give notice to the Secretariat that he or she wishes an item relevant to the functions of the Panel to be included on the agenda following the existing scheduled items of business. Items will normally be considered at the next ordinary meeting of the Panel, providing that the following conditions apply:
- a) At least 15 working days written notice is given to the Secretariat (The PCC is required to be given 10 working days notice therefore this timing allows for discussions prior to this).
 - b) The item must be relevant to the remit of the Panel, as set out in the Panel Arrangements Document.
 - c) The item must not have been already considered within the last six months by the Panel.
- 4.12 In the event of a dispute on whether the conditions listed above apply, the Monitoring Officer of the Host Authority will advise the Chairman and Panel. The Panel's decision shall be final.
- 4.13 Where the conditions above apply and the agenda item is discussed, the Panel may consider at this point whether any further action is needed in terms of further agenda time; investigation outside of the meeting; or a written response or information from the PCC.

5.0 Quorum

- 5.1 A meeting of the Panel cannot take place unless at least one third of the membership of the Panel is present.

6.0 Voting

- 6.1 A decision is taken by a majority of those present and voting.
- 6.2 Voting is generally by a show of hands unless a named vote is called for by a member of the Panel.
- 6.3 If a Panel Member arrives at the meeting before the casting of votes on any item has been commenced he/she is entitled to vote on that item.
- 6.4 Immediately after a vote is taken any Panel Member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- 6.5 The Chairman of the Panel, or other person presiding, shall have a second and/or casting vote where votes for and against a proposal are equal. There shall be no restriction on the manner in which the casting vote is exercised.

7.0 Public Participation

- 7.1 Members of the public may attend all meetings subject only to the exceptions in the Access to Information Standing Orders .The Police and Crime Panel may also invite other people to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councilors who are not members of the panel and officers in other parts of the public sector and may invite such people to attend.
- 7.2 There will be provision for the public to raise issues directly with the Police and Crime Panel. The details of how this will operate will be set out in a protocol on public involvement. *[To be developed following the election of the PCC]*

8.0 Work Programme

- 8.1 The Panel will be responsible for setting its work programme. In doing so it shall have regard to:
 - a) the requirement to undertake the functions and responsibilities of the Panel as set out in the Act including consideration of the necessary timings to meet its legal responsibilities;
 - b) the priorities defined by the PCC;
 - c) the views of the public on Police and Crime matters;
 - d) the views of key partners, including Probation, Health, Community Safety Partnerships;
 - e) the views of its members and advisers; and
 - f) the resources available to support the delivery of the work programme.

9.0 Sub-Committees

- 9.1 The Panel may set up sub-committees to undertake specified functions of the Panel. The role of sub-committees is to carry out delegated Panel functions, excluding those functions that are not able to be delegated under

the Act. Sub-committees may formally take decisions as delegated to them by the Panel.

- 9.2 The work to be undertaken by a sub-committee will be agreed by the Panel. In commissioning the work the Panel will agree as part of the scoping document the following:
- a) terms of reference and delegations
 - b) purpose/objectives
 - c) resources
 - d) timescales for completing the work and reporting back
 - e) membership
- 9.3 The Panel shall appoint sub-committees. The Chairman of the Panel may make a recommendation to the Panel on Membership.
- 9.4 The maximum size of a sub-committee shall be seven members. The minimum size is three members. Size shall be determined on a case-by-case basis at the point that the review is commissioned.
- 9.5 The membership of sub-committees shall be confined to members of the Panel.
- 9.6 In determining the membership of a sub-committee the Panel shall give so far as practicable, consideration to the duties in the Act to consider political balance; geographical balance; and the skills and expertise of members.
- 9.7 Sub-Committees shall report back to the Panel, and the minutes of the Sub-committee shall be received by the Panel.

10.0 Task Groups

- 10.1 The role of Task Groups is to undertake time-limited investigations into particular issues, such as a scrutiny topic review. They are informal working groups, and as such have no decision-making power. Task Groups will report back upon the completion of their work with a report and recommendations to the Panel.
- 10.2 The work to be undertaken by a Task Group will be agreed by the Panel. In commissioning the work the Panel will agree as part of the scoping document the following:
- a) terms of reference;
 - b) purpose/objectives;
 - c) approach to gathering evidence;
 - d) resources to support the review;
 - e) timescales for completing the work and reporting back; and
 - f) membership.
- 10.3 Task Groups can only make reports or recommendations to the Panel. The Panel will consider reports it receives, and if agreed, such reports may be adopted as the Panel's report.
- 10.4 The Panel will appoint Task Groups. The Chairman of the Panel may make a recommendation to the Panel on the membership.

- 10.5 The maximum size of a Task Group shall be agreed by the Panel at the point that the review is commissioned. The minimum size is three members.
- 10.6 The Panel shall appoint a Chairman of the Task Group from within the membership of the Panel. The Chairman of the Panel may make a recommendation on whom to appoint.
- 10.7 The composition of a Task Group will be determined by the role it is to perform. Whilst issues of political and geographical balance may be taken into account, to help the effectiveness of the group consideration may also be given to:
- a) skills and expertise
 - b) availability of members to undertake the work
 - c) interest and commitment
- 10.8 The Panel may choose to co-opt non-Panel members onto a Task Group if it is considered that they possess skills, expertise, or a perspective which will assist the Group in its work. Co-opted members on a Task Group are non-voting members of the Group.
- 10.9 The following eligibility rules will apply to non-voting co-opted members of Task Groups:
- a) must live and/or work in the Cambridgeshire Police Force area; and
 - b) must be able to provide expertise/layperson's perspective to assist the group in carrying out its scrutiny function.

11.0 Panel Reports and Recommendations—General

- 11.1 Where the Panel makes a report to the PCC it will publish the report or recommendations on its website, except where the information is exempt or confidential as defined in the Local Government Act 1972 (as amended).
- 11.2 The Panel may require the PCC within 20 working days (or within such other period as is indicated in these Rules) of the date on which s/he receives the Panel's report or recommendations to:
- a) consider the report or recommendations;
 - b) respond to the Panel indicating what (if any) action the PCC proposes to take;
 - c) where the Panel has published the report or recommendations, publish the response from the PCC.
- 11.3 The Panel will formally make requests to the PCC or issue other statements by way of reports and recommendations. As the Panel is a scrutiny body, rather than an executive decision-making committee, motions or resolutions will not be considered by the Panel.

Procedure for Agreeing Reports and Recommendations

- 11.4 Recommendations to the PCC from the Panel will be made as an outcome of a scrutiny review or as a result of an agenda item discussion.

- 11.5 As a cross-party scrutiny committee reports and recommendations to the PCC should normally be agreed by consensus rather than a formal vote. Where this is not possible a vote may be taken, under the voting procedure outlined above. This includes the option of a Panel member requesting a named vote is taken at the meeting to ensure that views are minuted.

Minority Reporting

- 11.6 In exceptional circumstances, one minority report in relation to reports prepared by Task Groups may be prepared and submitted for consideration with the majority report to the PCC. Where a member or members wish to submit a minority report the Chairman of the Panel and Secretariat should be notified as soon as possible in advance of the Panel meeting, normally 10 working days notice should be given depending on the timing of the Task Group's consideration of its majority report.
- 11.7 The PCC's responsibilities and remit relate to the Committee as a whole, therefore the PCC will respond to the Committee as a whole and not to individual members of the Panel. This means that for the purposes of communication to the public, stakeholders and the PCC the majority report represents the viewpoint of the Panel and the PCC will be required only to respond to the majority report.

12.0 PCC and others giving account

- 12.1 The presumption will be that the PCC will be required to attend all formal Police and Crime Panel meetings (ordinary and extraordinary) to answer questions which may be necessary to assist the Panel in discharging its functions, unless the Panel decides that this is not necessary and informs the PCC that they will not be required.
- 12.2 The PCC shall be notified on the Annual Work Programme of the Panel including meeting dates. The Secretariat of the Panel.
- 12.3 In setting the Annual Work Programme the Panel should identify and consider where possible what papers will be required, and if any supporting staff from the Secretariat, Police or otherwise are likely to be needed in addition to the PCC, in order to give as much notice as possible.
- 12.4 Where a new agenda item is scheduled for a meeting that is not included within the work programme and the PCC (and staff/or Chief Constable) is required to attend, the Secretariat will inform the relevant persons of the nature of the agenda item and any written information that is required as soon as possible.
- 12.5 At least 15 working days notice will be given of the new agenda time to the PCC and any requirement to provide written information (owing to the access of information requirements this equates to 10 working days notice for the provision of written information).
- 12.6 In exceptional circumstances, and where there is agreement between the PCC and Chairman of the Panel, shorter notice may be required for either attendance or papers.

- 12.7 If the Panel requires the PCC to attend before the Panel, the Panel may also request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.
- 12.8 In undertaking its functions, the Panel may invite persons other than those referred to above to attend Panel meetings, to address the meeting, discuss issues of local concern and/or answer questions. This may, for example and not exclusively, include residents, stakeholders, Council Members who are not members of the Panel and officers from other parts of the public sector.

13.0 Special Functions

- 13.1 The Special Functions of the Panel, as set out in the Panel Arrangements, are those functions which are conferred on the Panel in relation to:
- a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
 - b) the review of the Annual Report as required by Section 28 (4) of the Act;
 - c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;
 - d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act;
 - e) the review and potential veto of appointment of the Chief Constable in accordance with Part 1 the Act.

14.0 Police and Crime Plan

- 14.1 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.
- 14.2 The Panel will:
- a) hold a meeting to review the draft Police and Crime Plan (or a variation to it); and
 - b) report or make recommendations on the draft Plan which the PCC must take into account.

15.0 Annual Report

- 15.1 The PCC must publish an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.
- 15.2 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange for a meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report;
 - b) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Panel think appropriate;

- c) make a report and/or recommendations on the Annual Report to the PCC.

16.0 Proposed precept

[this section may be updated in light of forthcoming regulations]

- 16.1 The Panel will receive notification from the PCC of the precept that they are proposing to issue for the coming financial year. The Panel will arrange for a meeting of the Panel to be held as soon as practicable after the Panel receives the proposed precept and make a report including recommendations.
- 16.2 Having considered the precept, the Panel will either:
 - a) support the precept without qualification or comment; or
 - b) support the precept and make recommendations; or
 - c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel and present at the time when the decision is made).
- 16.3 If the Panel vetoes the proposed precept, the report to the PCC must include a statement that the panel has vetoed the proposed precept and give reasons for that decision. The Panel will require a response from the PCC to the report and any such recommendations.

17.0 Senior Appointments

- 17.1 The Panel must review the proposed appointment by the PCC of the Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime PCC.
- 17.2 The Panel will receive notification of the proposed appointment from the PCC, which will include:
 - a) the name of the candidate;
 - b) the criteria used to assess suitability of the candidate;
 - c) why the candidate satisfies the criteria; and
 - d) the terms and conditions proposed for the appointment.
- 17.3 The Panel must hold a confirmation hearing for all proposed senior appointments within 15 working days of receipt of notification by the PCC. It must also report to the PCC at the same time with its recommendations. The 15 working days will not include the post-election period.
- 17.4 The confirmation hearings will be held in public and the candidates will be questioned in relation to their appointment. Candidates must attend, either in person or by video link.
- 17.5 Following the hearing, the Panel will make a report and/or recommendations to the PCC on the proposed appointment. The PCC must respond in writing within the usual 20 working days confirming whether the recommendation has been accepted or not.
- 17.6 In relation to the proposed appointment of the Chief Constable, the Panel is required to make recommendations to the PCC and has the power to veto

the appointment. Following the hearing, the Panel will be asked to:

- a) support the appointment without qualification or comment;
- b) support the appointment with associated recommendations, or
- c) veto the appointment of the Chief Constable (a two thirds majority is required of those members present at the time when the decision is made). *(This may be subject to change following Home Office Regulations)*

17.7 If the Panel vetoes an appointment, it must set out its reasons for doing so in a report to the PCC and the PCC must not then appoint that candidate as Chief Constable.

18.0 Suspension of the Police and Crime Commissioner

18.1 The Panel may suspend the PCC if it appears to the Panel that:

- a) the PCC is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

18.2 This decision will be taken at a formal Panel meeting via a vote.

18.3 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the PCC being acquitted of the offence;
- c) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act 2011 by virtue of the conviction; or
- d) the termination of the suspension by the Police and Crime Panel.

18.4 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

19.0 Suspension and Removal of the Chief Constable

19.1 The Panel will receive notification if the PCC suspends the Chief Constable.

19.2 The PCC must also notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

19.3 The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

- 19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').
- 19.5 Within 30 days from the date of receiving the further notification the Panel must make a recommendation in writing to the PCC as to whether or not s/he should call for the retirement or resignation. Before making any recommendation the Panel may consult the chief inspector of constabulary, and must hold a meeting.
- 19.6 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person or video link.
- 19.7 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- (a) at the end of 30 days from the Panel having received notification if the Panel has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation; or
 - (b) the PCC notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to resignation or retirement.
- 19.8 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 20.0 Appointment of an Acting Police and Crime Commissioner**
- 20.1 The Panel must meet to appoint a person to be acting PCC if:
- a) no person holds the office of PCC;
 - b) the PCC is incapacitated (i.e. unable to fulfil the functions of PCC) which is a matter for the Panel to determine; or
 - c) the PCC is suspended.
- 20.2 In the event that the Panel has to appoint an acting PCC it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
- 20.3 The Panel may appoint a person as acting PCC only if the person is a member of the PCC's staff at the time of the appointment.
- 20.4 In appointing a person as acting PCC in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.
- 20.5 The appointment of an acting PCC will cease to have effect upon the earliest of the following:
- a) the election of a person as PCC;
 - b) the termination by the Panel, or by the acting PCC, of the

- appointment of the acting PCC;
- c) in a case where the acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
- d) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

20.6 Where the acting PCC is appointed because the PCC is incapacitated or suspended, the acting PCC's appointment does not terminate because a vacancy occurs in the office of PCC.

21.0 Complaints

21.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').

21.2 The Panel may however be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.

21.3 The Panel shall have a Complaints Procedure for complaint handling that shall be set out in a protocol.

22.0 Further Guidelines/Protocols

22.1 The Panel may agree further guidelines/protocols to assist it in carrying out its business so long as these are in accordance with the Rules of Procedure, Panel Arrangements and legal requirements. Further guidance and protocols will cover:

- a) Memorandum of Understanding between the PCC and Panel
- b) Communications Protocols (including media handling)
- c) Public Involvement
- d) Complaints Procedure
- e) PCP and local scrutiny committees Protocol

ANNEX A: ACCESS TO INFORMATION STANDING ORDERS

1.0 SCOPE

- 1.1 These standing orders apply to all formal meetings of the Police and Crime Panel.
- 1.2 These rules do not affect any additional rights to information contained elsewhere in this Constitution or granted by law.

2.0 RIGHTS TO ATTEND MEETINGS

- 2.1 Members of the public may attend all meetings subject only to the exceptions in these standing orders.

3.0 NOTICES OF MEETING

- 3.1 The Secretariat will give at least ten clear days notice of any meeting by posting details of the meeting at the principal offices of the Host Authority and on the Internet.

4.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 4.1 The Secretariat will make copies of the agenda and reports open to the public available for inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the Monitoring Officer of the Host Authority shall make each report available to the public as soon as the report is completed and sent to members, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

5.0 SUPPLY OF COPIES

- 5.1 The Secretariat will supply copies of:
 - a) any agenda and reports which are open to public inspection;
 - b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - c) if the Monitoring Officer of the Host Authority thinks fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs under the Host Authority's Charging Policy. Under the Freedom of Information Act, information would be supplied free until these costs go over the threshold of £450, when a charge would be levied.

6.0 ACCESS TO MINUTES ETC AFTER THE MEETING

- 6.1 The Secretariat will make available copies of the following for six years after a meeting:
 - a) the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Panel excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - b) a summary of any proceedings not open to the public where the minutes

- open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
 - d) reports relating to items when the meeting was open to the public.

7.0 BACKGROUND PAPERS

- 7.1 *List of background papers:* Reports will include a list (prepared by the Secretariat) of those documents (called background papers) relating to the subject matter of the report which in their opinion disclose any facts or matters on which the report or an important part of the report is based; and which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.
- 7.2 *Public inspection of background papers:* The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.
- 7.3 *Use of media technology at Panel Meetings:* At the discretion of the Chairman of the Panel recording of meetings and use of media technology will be permitted provided that it does not release information that the Secretariat has identified as being confidential under the Access to Information Regulations.
- 7.4 The Secretariat supports the use of networking sites to disseminate information during their meetings, provided that confidential information as outlined above is not deliberately or inadvertently disclosed.

8.0 SUMMARY OF THE PUBLIC'S RIGHTS

- 8.1 A written summary of the public's rights to attend meetings and to inspect and copy documents is available for inspection at the Principal offices of the Host Authority.

9.0 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS Confidential information – requirement to exclude public

- 9.1 The public must be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be confidential.
- 9.2 *Meaning of confidential information:* Confidential information means information given to the Panel by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.
- 9.3 *Exempt information – discretion to exclude public:* The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 9.4 *Meaning of exempt information:* Subject to, and to the test of the Public Interest set out in paragraph below, information is exempt information where it falls within any of the following categories:

- 1 Information relating to an individual.
 - 2 Information which is likely to reveal the identity of an individual.
 - 3 Information relating to the financial or business affairs of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes including the Companies Act 1985 and the Charities Act 1993. "Financial or business affairs" includes contemplated, as well as past or current activities.
 - 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority. "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (ie a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - 6 Information which reveals that the Authority proposes:
 - a) to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or
 - b) to make an order or direction under any enactment.
 - 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 9.5 *Public interest test:* Information falling within any of categories 1-7 set out above, which is not prevented from being exempt because it falls within category 3, and is required to be registered under the prescribed enactments is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 10.1 The Monitoring Officer of the Host Authority may exclude access by the public to a report which, in his or her opinion, relates to an item during which, in accordance with this Access to Information Standing Order, the meeting is likely not to be open to the public; or, as the case may be, was not open to the public. Such reports will be marked "Not for publication", together with the category of information likely to be disclosed.

11.0 RECORD OF DECISIONS

- 11.1 After any formal meeting of the Panel, the Secretariat will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting.

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SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 5
12 September 2012	

Report of Police and Crime Partnership Transition Working Group

Contact Officer: Mike Davey, Service Director, Cambridgeshire County Council

Contact Details: mike.davey@cambridgeshire.gov.uk

The Appointment of Police and Crime Panel Co-optees

1. PURPOSE

- 1.1 To outline the steps required to appoint the independent co-optees who are required to sit on the Police and Crime Panel, and to seek approval from the Shadow Police and Crime Panel to implement the process.

2. RECOMMENDATIONS

- 2.1 The Panel are asked to
- Approve the process for appointing independent co-opted Panel members
 - Give consideration as to who should make up the interview Panel
 - Give consideration as to the gaps in the Panel membership following the political appointments and indicate the areas of expertise that they would wish to be strengthened by the co-optees
 - Approve the text prepared by the LGA for use in the appointment process in Peterborough and Cambridgeshire.

3. TERMS OF REFERENCE

- 3.1 The Panel are required to oversee the appointment of two independent co-optees to meet the legislative requirements of Schedule 6 of The Police Reform and Social Responsibility Act.

4. BACKGROUND

- 4.1 The appointment of independent co-optees provides an opportunity to readjust the experience, knowledge and skills available across the membership of a police and crime panel. By carefully selecting individuals that complement the Councillors nominated to the panel, independent co-optees can be used to fill experience, knowledge and skills gaps to help make the panel more effective.
- 4.2 It is desirable, where possible to appoint co-optees in a time frame which allows them to be inducted and trained together with the rest of the panel members. Planning for the appointment of co-optees must take account of the fact that the panel will need to be involved at key points in the process of seeking, short-listing and appointing co-optees. It is therefore recommended that we move to advertise for potential co-optees immediately following today's meeting. Panel members are invited to volunteer to be part of the appointment process.

5. KEY ISSUES

- 5.1 The Co-optees should be appointed with a view to enhancing the Panel, and therefore it is important to identify and gaps that might arise following the political appointments. Gaps in panel membership should be determined against the overall objective to create a panel that satisfies the 'balanced appointment objective'. A panel that meets the balanced appointment objective would have a membership which, when considered collectively, would be

geographically and politically representative, and crucially would include the necessary experience, knowledge and skills to be effective. It is possible that the balanced appointment objective may not be achieved after the first round of councillor nominations to the panel. This may be because these initial nominations were decided on the basis of identifying suitable and representative nominee(s) from the perspective of each individual council, rather than in the wider interests of whether the make-up of the panel overall is balanced

As the make-up of the panel emerges, it will be important to analyse what gaps might exist in experience, knowledge and skills. Work has been commenced to carry out a 'gap analysis' on an holistic basis, which recognises that the councillor panel nominees will (in addition to providing their political input) also have some very useful and relevant experience, knowledge and skills. This work was undertaken by colleagues from Peterborough City Council and the initial results will be shared at today's Panel meeting.

5.2 Experience, knowledge and skills across the panel

Experience: The experience of individuals is often linked with relevant knowledge and skills they might have. Exploring the experience of individuals is therefore a good starting point in assessing the likely effectiveness of the panel. The following provides some suggestions of the kinds of experience/and background of individuals which may indicate that individuals have relevant knowledge and skills to offer. It is not a comprehensive or exclusive list, but suggests a range of relevant experience which would be useful to draw on from individuals across the whole panel. Suggested useful experience for panel members:

- previous experience in the health sector e.g. work with PCTs, or future involvement with the local Health and Wellbeing Board or a clinical commissioning group
- voluntary or paid work and experience with victim support groups
- involvement and experience of restorative justice
- work with the police and resultant awareness of policing issues from both a strategic and delivery perspective
- community involvement with, for example, neighbourhood watch or a parish and town council
- work with the criminal justice system
- youth work and youth justice work
- work as a magistrate
- work in management of a business
- prominent people in the community working in the area of community safety
- experience with the voluntary and community sector generally
- fire and rescue services
- experience in the education sector
- experience of drug and alcohol issues
- relevant current academic experience in policing and crime and anti-social behaviour issues
- work with the probation service and links to the local probation trust, or other relevant knowledge or experience in this area
- reformed ex-offenders who might offer a valuable perspective on policing and crime and anti-social behaviour issues, and possibly restorative justice

5.3 Knowledge and skills:

The following skills should collectively be well enough represented so as to create a panel culture which results in:

- **Strategic thinking:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **Good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top level appointments or considering complaints against the police and crime commissioner (PCC).
- **Supportive approaches:** To be able to support the PCC and the other members of the panel in delivering their duties.
- **Effective scrutiny and challenge:** To be able to rigorously scrutinise and challenge

constructively without becoming confrontational, using appropriate data, evidence and resources.

- **Effective analysis:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures, and identify the salient points.
- **Effective communication:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the panel, the PCC and the public. The above experience and skills lists might be used as the criteria on which to base an analysis of existing ‘shadow’ panel members and for seeking co-optees to fill any gaps identified. As part of the process, it should be recognised that individual panel members will not have experience, knowledge and skills in equal measure. Some individuals lacking in particular areas will make up for this with other experience, knowledge and skills they may have. The objective to consider in identifying gaps in the membership is: which would affect the effective functioning of the panel?

Training and knowledge: Before coming to conclusions about the significance of any gaps identified, it would also make sense to consider whether, for example, gaps, particularly in knowledge, might be addressed by training and on-the-job experience, rather than necessarily by seeking additional further co-optees.

- 5.4 The first meeting of a shadow panel provides an opportunity for members to both get to know each other and to share areas of expertise to help analyse against the suggested framework above whether there are any significant gaps in the panel’s collective experience. It is worth noting that gaps in experience, knowledge and skills will change over time, particularly after elections and resignations of panel members. Regular gap analysis reviews will be needed to ensure the panel continues to have the right experience, knowledge, and skills to be effective.

6. IMPLICATIONS

- 6.1 We are required to appoint independent co-optees to comply with the legislation. The first formal meeting of the Panel will be in January 2013 and it is advised that we initiate the process immediately to comply with the legislative requirements.

7. CONSULTATION

- 7.1 There has been no consultation events with the public at large although statutory bodies involved in preparing for the Police and Crime panel have been consulted with through regular presentations, both written and oral, over the last six months.

8. NEXT STEPS

- 8.1 Once the Shadow Panel have approved the process outlined, Peterborough City Council, as the host Authority will move to advertise for applicants to become independent co-optees. Attached are six Appendices for consideration by the Panel. These documents are drafts prepared by the LGA to assist Authorities in the recruitment of co-optees.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 LGA Police and Crime Panel: Guidance on appointing independent co-opted members (2012)

Appendix 1– Draft text for generic advert to encourage potential applicants

Advert

On the 15 November 2012, the Cambridgeshire will be electing its first police and crime commissioner who will be responsible for setting the priorities and resources for Cambridgeshire Police, as well as supporting broader community safety activities across the region.

In addition to this a police and crime panel will also be established to scrutinise the work of the PCC. The purpose of this role is to assist the PCC through providing independent challenge as a critical friend.

The panel will be made up of one representative from each of the Cambridgeshire local authorities in the force area, and two independent co-opted members.

The commissioner will be required to consult with the panel on their plans and budget for policing, as well as the level of council tax and the appointment of a chief constable.

The panel is looking for two committed and energetic people who either live or work within the [name force area] to serve as co-opted independent members from summer 2012 for a four-year term. This is an exciting opportunity to be involved from the start with new and very different arrangements for reducing crime and disorder.

The role of a panel member will be an important and demanding one. The typical commitment required from a member of the panel is expected to average one day a month, including preparation time.

Meetings will generally be held in evenings at Huntingdon.

All panel members will be able to claim reasonable travelling expenses. All panel members will receive induction and other appropriate training.

For a copy of the application pack see www.#####.###.uk/##### or telephone #####. The closing date for applications is XX XXXX 2012.

The panel wishes to reflect the breadth of communities in the Cambridgeshire area and welcomes applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability or any other factor.

Appendix 2 – Draft Letter to potential applicants

[Based on documentation from N Yorkshire – and shared with their permission]

Dear Applicant

Thank you for your interest in becoming a co-opted independent member of Cambridgeshire police and crime panel.

The panel will be part of the new governance and accountability arrangements for policing in Cambridgeshire. The panel's role will be to maintain a regular check and balance on the performance of the directly elected police and crime commissioner (to be elected on 15 November 2012).

The panel is looking for [11 eg two] committed and energetic people to serve as co-opted independent members from summer 2012 for a four year term. This is an exciting opportunity to be involved from the start of new and very different arrangements.

The role of a panel member will be an important and demanding one. In considering your application you should be aware that the typical commitment required from a member of the panel is expected to average one day a month, including preparation time. Meetings will generally be held during normal office hours at Huntingdon.

All panel members will be able to claim reasonable travelling expenses and a small allowance (to be determined). All panel members will receive induction and other appropriate training.

Further information is attached:

- background to the post
- eligibility criteria
- person specification
- roles and responsibilities
- application form.

The closing date for applications is **XXXX**, after which the local authority panel members will consider and assess all applications received. It is expected that short-listed candidates will be invited for interview [amend as applicable] in the second half of June 2012 and that formal appointments will be made in early July 2012 [amend as necessary to reflect dates which are realistic locally].

You will note that the application form asks for details of two referees. We intend to take up references for short-listed candidates, prior to interview. If you would not wish us to contact your referees at that stage then please indicate with your application.

The panel wishes to reflect the breadth of communities in Cambridgeshire police area and welcomes applications from all eligible people – irrespective of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (ie gender), sexual orientation, marriage and civil partnership.

If you wish to discuss any aspect in more detail please contact **#### #####**.

Appendix 3 – Draft Background to the post

The panel will be part of the new governance and accountability arrangements for policing in Cambridgeshire. The panel's role will be to maintain a regular check and balance on the performance of the directly elected police and crime commissioner (to be elected on 15 November 2012).

The panel requires energetic people to serve as panel members from summer 2012 for a four-year term. This is an exciting opportunity to be involved from the start with new and very different arrangements.

The role of a panel member will be an important and demanding one. In considering your application you should be aware that the typical commitment required from a member of the panel is expected to average one day a month, including preparation time.

Meetings will generally be held during normal office hours at Huntingdon.

All panel members will be able to claim reasonable travelling expenses and a small allowance (to be determined). All panel members will receive induction and other appropriate training.

Appendix 4 – Draft Eligibility criteria for independent panel members

The following cannot be considered for a position on the panel, namely:

- anyone under 18 years old
- the PCC or a member of their staff
- MPs
- members of the National Assembly for Wales the Scottish Parliament
- members of the European Parliament
- police officers²
- persons who do not live or work in the police force area
- civil servants engaged in political activity.

Please also note:

Independent non-councillor co-optees (either those required and any optional independent co-optees added later) must not be local authority councillors.

² *Police officers are not covered by the restrictions on membership of the panel in Section 22 in Schedule 6. Also police officers do not fall within Section 22 (a) as members of staff of the PCC as this category covers people appointed under Section 6 of Schedule 1. However, under section 1(2)(a) of Schedule 1 to the Police Regulations 2003 (S.I. 2003/527) a member of a police force may not “take any active part in politics”. The Home Office would regard co-option to a panel, for the purpose of scrutinising an elected PCC, as taking an active part in politics, and accordingly as being prohibited for police officers.*

Appendix 5 – Draft person specification for co-opted panel members

For the appointment of panel members, including independent and councillor co-optees, on interview the assessors will consider potential candidates against the following criteria:

Abilities/skills

As well as being of good character, candidates will need to possess most, if not all, of the following competencies:

- **The ability to think strategically:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **The ability to make good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.
- **The ability to be supportive:** To be able to support the PCC and the other members of the panel in delivering their duties.
- **The ability to scrutinise and challenge:** To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.
- **The ability to be analytical:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.
- **The ability to communicate effectively:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the panel, the PCC and the public.

Other requirements and considerations

- Candidates must be able to attend meetings in the evenings (Monday to Friday 9am to 5pm) at varying locations throughout the Cambridgeshire area at least six times a year, as well as attend any appropriate training sessions.
- Candidates should have the time, energy and commitment to prepare for and attend regular meetings. We suggest that they would need to allocate a minimum of one day per month to devote to this role.
- Candidates should have a willingness to learn.

Note: Candidates must be eligible for the role (see eligibility criteria separately listed in this job information pack).

The following personal skills and qualities are also very important:

- **Team working:** The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.
- **Self-confidence:** The skill to challenge accepted views constructively without becoming confrontational.
- **Enthusiasm and drive:** The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements).
- **Respect for others:** The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.
- **Integrity:** The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.
- **Decisiveness:** The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

It is also important for candidates to:

be able to:

- consider their own biases and prejudices
- work with people from all areas within the police force area
- work with people from diverse backgrounds
- work with people with and without disabilities
- work with people from a variety of faiths and cultures
- work with people who may be gay, lesbian, bisexual or transgender.

It would also be useful if candidates:

have experience of:

- working with other people on issues of mutual interest over a period of time (eg voluntary work)
- situations where they needed to compromise
- interacting or working with people of all ages
- interacting or working with people who have different political views and/or religious beliefs
- interacting or working with people who are physically and/or mentally impaired.

have an interest in:

- policing issues and current affairs, specifically in respect of the ways in which they affect people locally
- challenging and combating institutional discrimination
- the issues associated with recruiting, promoting and retaining staff from underrepresented groups
- engaging with and representing local people and/or specialists within their field of expertise.

Appendix 6 – Roles and responsibilities of independent co-optees on the panel

Note: independent co-optees will be treated equally as other elected members on the panel and therefore have the same responsibilities and duties.

All co-optees are full voting members and will have access to the same level of support and information as elected members on the panel. The core role of both elected members and independent co-optees on the panel is to:

- scrutinise the work of the PCC to ensure that the PCC is discharging its functions effectively
- bring any specialist knowledge, skills, experience and expertise they may have to the scrutiny work of the panel
- ensure that there is an effective independent challenge to the PCC and that this challenge is constructive to support the PCC in carrying out their role
- act as a non-party-political voice for those who live and/or work in the Cambridgeshire area.

Responsibilities of co-optees

A co-opted member of the police and crime panel is expected to:

- attend all formal meetings of the panel (approx 4-6 per year)
- establish good relations with other members, officers and co-optees
- attend additional meetings eg working groups or evidence gathering sessions, as required
- prepare for each meeting by reading the agenda, papers and additional information to familiarise yourself with the issues to be covered during the meeting. Prior to the meeting consider the questions you may wish to put to the police and crime commissioner and other expert witnesses
- listen carefully at the meetings, ask questions in a way which is non-judgmental, respect confidentiality and help the panel to make practical suggestions for improvements in services
- assist in the preparation of reports and the formulation of recommendations; this may involve volunteering to participate in a task group to conduct a scrutiny review
- attend training and development events as needed
- abide by the panel arrangements and rules of procedure which set out how the police and crime panel will operate in the Cambridgeshire area
- keep abreast of the key issues in relation to the responsibilities of the police and crime commissioner and the priorities within the police and crime plan
- contribute to achieving an open, accountable and transparent decision-making process in relation to policing and community safety issues in the Cambridgeshire area.

Note: all panel members would also be expected to adhere to the 'seven principles of public life' which are listed below:

Nolan principles³

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

³*Nolan Committee's First Report on Standards in Public Life from the First Report of the Committee on Standards in Public Life (1995).*

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SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 7
12 September 2012	

Report of Chief Executive, Cambridgeshire Police Authority

Contact Officer(s) – Cristina Strood, Policy and Performance Manager, Cambridgeshire Police Authority
Contact Details – 01480 422471

PROTOCOL BETWEEN COMMISSIONER, CONSTABULARY AND THE PANEL

1. PURPOSE

- 1.1 To inform the Panel of Government guidance on the respective roles and responsibilities of the Police and Crime Commissioner, Chief Constable and the Police and Crime Panel and how their functions will be exercised in relation to each other.
- 1.2 To seek the Panel's view on localising the Policing Protocol Order 2011 for Cambridgeshire through the development of a protocol between the Police and Crime Commissioner, Chief Constable and the Police and Crime Panel.

2. RECOMMENDATIONS

- 2.1 The Panel is asked to note the report and to endorse the proposed approach for localising the Policing Protocol Order 2011 for Cambridgeshire.

3. TERMS OF REFERENCE

- 3.1 The proposed localised protocol for Cambridgeshire would clarify how the functions of the Panel will be exercised in relation to the Police and Crime Commissioner and the Chief Constable.

4. BACKGROUND

- 4.1 The Police Reform and Social Responsibility Act 2011 abolishes the current governance arrangements undertaken by Police Authorities, replacing them with directly elected Police and Crime Commissioners and Local Policing Bodies in November 2012. The Act launches both the Commissioner and Chief Constable as corporations sole, or separate legal entities. The Act also establishes Police and Crime Panels to support the effective exercise of the functions of the Police and Crime Commissioner.
- 4.2 The Act sets out the functions and responsibilities of the Commissioner, the Chief Constable and the Panel. In addition, Section 79 of the Act requires the Home Secretary to issue a Policing Protocol to set out the ways in which the Home Secretary, Police and Crime Commissioners, Chief Constables and Police and Crime Panels should exercise or refrain from exercising their functions so as to ensure effective working relationships and prevent conflicting exercising of functions. The Policing Protocol Order 2011 therefore sets out how the new arrangements will work, outlining what the various parties are expected to do and how they should work together.

5. KEY ISSUES

- 5.1 The Commissioner, Chief Constable and Panel will all have their own governance framework.

The Panel will have its Terms of Reference, Panel Arrangements and Rules of Procedure. Government has sought to set out how the various functions interact through the Policing Protocol Order 2011 and Home Office briefings for Police and Crime Commissioner candidates.

- 5.2 Establishing appropriate and effective relationships and mechanisms are essential in order to enable the three parties to perform their functions effectively, with and alongside each other. A protocol which localises, for Cambridgeshire, the Policing Protocol Order 2011 could aid effective working relationships. Alongside the functions and responsibilities bestowed on the three parties, it could set out some key principles for determining the way in which the three parties will fulfil their functions and the processes and mechanisms which would support this.

6. IMPLICATIONS

- 6.1 None.

7. CONSULTATION

- 7.1 The development of a protocol would be undertaken jointly by officers from the Police Authority/Office of the Police and Crime Commissioner, Cambridgeshire County Council, Peterborough City Council and Cambridgeshire Constabulary.

8. NEXT STEPS

- 8.1 The protocol would be developed for future consideration by the Panel, Commissioner and Chief Constable.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1
- [Policing Protocol Order 11](#)
 - [Home Office candidate briefings](#), in particular '[To publicly account for your decisions](#)'

10. APPENDICES

- 10.1
1. Policing Protocol Order 2011
 2. Home Office candidate briefing: 'To publicly account for your decisions'

2011 No. 2744

POLICE, ENGLAND AND WALES

The Policing Protocol Order 2011

<i>Made</i> - - - -	<i>15th November 2011</i>
<i>Laid before Parliament</i>	<i>21st November 2011</i>
<i>Coming into force</i> - -	<i>16th January 2012</i>

In exercise of the powers conferred by section 79(1) and (5) of the Police Reform and Social Responsibility Act 2011(a), the Secretary of State makes the following Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Policing Protocol Order 2011 and shall come into force on 16th January 2012.

(2) This Order extends to England and Wales.

Policing Protocol

2. The Secretary of State hereby issues the Policing Protocol set out as a Schedule to this Order.

Home Office
15th November 2011

Theresa May
Secretary of State

SCHEDULE

Article 2

The Policing Protocol

Purpose

1. This Protocol is issued in accordance with the requirements of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). It sets out to all Police and Crime Commissioners (“PCCs”) and the Mayor’s Office for Policing and Crime (“MOPC”), Chief Constables, Police and Crime Panels and the London Assembly Police and Crime Panel how their functions will be exercised in relation to each other. An effective, constructive working relationship is more likely

(a) 2011 c. 13.

to be achieved where communication and clarity of understanding are at their highest. Mutual understanding of, and respect for, each party's statutory functions will serve to enhance policing for local communities.

Scope

2. This Protocol applies to every PCC in England and Wales and, unless specifically stated, a reference in the Protocol to a PCC includes the MOFC.

3. This Protocol applies to every Chief Constable of a police force maintained by a PCC and unless specifically stated, a reference in the Protocol to a Chief Constable includes the Commissioner of Police of the Metropolis.

4. This Protocol applies to every Police and Crime Panel in England and Wales and, unless specifically stated, a reference to a Police and Crime Panel (or simply the Panel) includes the Panel formed by the London Assembly.

5. The staff of each PCC and the constables and staff of each police force are expected to have regard to this document.

6. This Protocol does not legally bind the Commissioner of the City of London Police or the Common Council of the City of London, which continues to form the police authority for the City of London. However, they are encouraged to abide by the working principles of this Protocol.

7. Where reference is made to both PCCs and the Common Council of the City of London, the Protocol describes them collectively as Local Policing Bodies.

8. The establishment and maintenance of effective working relationships by these parties is fundamental. It is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all parties will do their utmost to make the relationship work.

9. This Protocol does not supersede or vary the legal duties and requirements of the office of constable. Chief Constables remain operationally independent.

10. All parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life(a) (known as "the Nolan Principles").

Legislative Framework

11. The 2011 Act establishes PCCs within each force area in England and Wales with the exception of the City of London. The 2011 Act gives these PCCs responsibility for the totality of policing within their force area. It further requires them to hold the force Chief Constable to account for the operational delivery of policing including in relation to the Strategic Policing Requirement published by the Home Secretary.

12. The 2011 Act does not impinge on the common law legal authority of the office of constable, or the duty of constables to maintain the Queen's Peace without fear or favour. It is the will of Parliament and Government that the office of constable shall not be open to improper political interference.

13. Each PCC and their respective Chief Constable are established in law as corporations sole within the 2011 Act. In doing so both the PCC and the Chief Constable are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead. The staff of the PCC are accountable to the directly elected holder of that office to enable the PCC to exercise their functions.

(a) Cm. 2850.

14. The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The Panel within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context.

The PCC

15. The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.

16. The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

17. The PCC has the legal power and duty to—

- (a) set the strategic direction and objectives of the force through the Police and Crime Plan (“the Plan”), which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
- (c) hold the Chief Constable to account for the performance of the force’s officers and staff;
- (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;
- (e) appoint the Chief Constable (except in London where the appointment is made by the Queen on the recommendation of the Home Secretary);
- (f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
- (g) maintain an efficient and effective police force for the police area;
- (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable);
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
- (k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;
- (l) comply with all reasonable formal requests from the Panel to attend their meetings;
- (m) prepare and issue an annual report to the Panel on the PCC’s delivery against the objectives set within the Plan;
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable.

(a) 1996 c. 16. Section 50 is amended by the Criminal Justice and Immigration Act 2008 (c. 4), the Policing and Crime Act 2009 (c. 26) and the 2011 Act.

18. In addition, the PCC must not fetter the operational independence of the police force and the Chief Constable who leads it.

19. In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's direction and control of the force.

20. A PCC has wider responsibilities than those relating solely to the police force, namely—

- (a) a specific responsibility for the delivery of community safety and crime reduction;
- (b) the ability to bring together Community Safety Partnerships at the force level, except in Wales;
- (c) the ability to make crime and disorder reduction grants within their force area;
- (d) a duty to ensure that all collaboration agreements with other Local Policing Bodies and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience;
- (e) a wider responsibility for the enhancement of the delivery of criminal justice in their area.

The Chief Constable

21. The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the PCC except in London where the Commissioner and Deputy Commissioner of Police of the Metropolis are appointed by the Queen on the recommendation of the Home Secretary.

22. The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

23. The Chief Constable is responsible to the public and accountable to the PCC for—

- (a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
- (b) appointing the force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
- (c) supporting the PCC in the delivery of the strategy and objectives set out in the Plan;
- (d) assisting the PCC in planning the force's budget;
- (e) providing the PCC with access to information, officers and staff as required;
- (f) having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities;
- (g) notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989(a), making them subject to the same duties in relation to sensitive material as Government Ministers);
- (h) being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;

(a) 1989 c. 6.

- (i) entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies;
- (j) remaining politically independent of their PCC;
- (k) managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission in line with legislation;
- (l) exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the force;
- (m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.

The Panel

24. The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC’s exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC’s functions. This includes—

- (a) the power of veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the level of the PCC’s proposed precept;
- (b) the power of veto (outside the Metropolitan Police District), by a two-thirds majority of the total Panel membership, over the PCC’s proposed candidate for Chief Constable;
- (c) the power to ask Her Majesty’s Inspector’s of Constabulary (“HMIC”) for a professional view when the PCC intends to dismiss a Chief Constable;
- (d) the power to review the draft Plan and make recommendations to the PCC who must have regard to them;
- (e) the power to review the PCC’s Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;
- (f) the power to require relevant reports and information in the PCC’s possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
- (g) the power to require the PCC to attend the Panel to answer questions;
- (h) the power (outside the Metropolitan Police District) to appoint an acting Police and Crime Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified; and
- (i) responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IPCC in line with legislation.

25. In order to reflect London’s unique governance arrangements, the powers of the London Assembly Police and Crime Panel are different to those outside London in the following ways—

- (a) the London Assembly has the power to amend the Mayor’s proposed budget for the Mayor’s Office for Policing and Crime by a two-thirds majority vote as part of the budget-setting process of the Greater London Authority (“GLA”);
- (b) in London, if the Mayor is incapacitated, resigns or is disqualified, the Deputy Mayor of London would occupy the office of Mayor, and thus the Mayor’s Office for Policing and Crime, under the provisions of the Greater London Authority Act 1999(a) (“the 1999 Act”);

(a) 1999 c. 29.

- (c) the London Assembly Police and Crime Panel does not have a formal role in the appointment or dismissal of the Commissioner of Police of the Metropolis or other senior police officers;
- (d) the London Assembly Police and Crime Panel has the power to veto the appointment of a Deputy Mayor for Policing and Crime if the individual is not an Assembly Member, and has other statutory powers under the 1999 Act in relation to the Mayor's Office for Policing and Crime as a functional body of the GLA;
- (e) complaints against the holder of the Mayor's Office for Policing and Crime, and the Deputy Mayor for Policing and Crime if he is an Assembly Member, will be dealt with in accordance with the GLA's existing standards regime, which operates under local government legislation.

26. The Chief Constable retains responsibility for operational matters. If the Panel seek to scrutinise the PCC on an operational matter, the Chief Constable may be invited to attend alongside the PCC to offer factual accounts and clarity (if needed) of the Chief Constable's actions and decisions. The accountability of the Chief Constable remains firmly to the PCC and not to the Panel.

The Home Secretary

27. The establishment of PCCs has allowed for the Home Office to withdraw from day-to-day policing matters, giving the police greater freedom to fight crime as they see fit, and allowing local communities to hold the police to account.

28. The Home Secretary is ultimately accountable to Parliament and charged with ensuring the maintenance of the Queen's Peace within all force areas, safeguarding the public and protecting our national borders and security. The Home Secretary has reserved powers and legislative tools that enable intervention and direction to all parties, if it is determined by the Home Secretary that such action is necessary in order to prevent or mitigate risk to the public or national security. Such powers and tools will be used only as a last resort, and will not be used to interfere with the democratic will of the electorate within a force area, nor seek to interfere with the office of constable, unless the Home Secretary is satisfied on the advice of Her Majesty's Inspectorate of Constabulary that not to do so would result in a police force failing or national security being compromised.

29. The Home Secretary retains the legal accountability for national security and the role that the police service plays within the delivery of any national response. The Home Secretary has a duty to issue a Strategic Policing Requirement that sets out what are, in her view, the national threats at the time and the appropriate national policing capabilities that are required to counter them.

Operational Matters

30. The operational independence of the police is a fundamental principle of British policing. It is expected by the Home Secretary that the professional discretion of the police service and oath of office give surety to the public that this shall not be compromised.

31. The current arrangements are defined in part by the 2011 Act.

32. Section 2 of the 2011 Act provides that a police force, and the civilian staff of a police force, are under the direction and control of the Chief Constable of the force. Section 4 makes identical provision for the Commissioner of the Metropolitan Police.

33. The direction and control of a Chief Constable will include—

- (a) the ability to issue a warrant to an attested officer with which that officer may exercise their police powers;
- (b) decisions in relation to the appointment and dismissal of officers and staff;
- (c) decisions concerning the configuration and organisation of policing resources (or) the decision whether, or whether not, to deploy police officers and staff;

- (d) total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit;
- (e) decisions taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the PCC;
- (f) operational decisions to reallocate resource to meet immediate demand; and
- (g) the allocation of officers' specific duties and responsibilities within the force area to meet the strategic objectives set by the PCC.

34. This list is not exhaustive and is by way of illustration only. The Chief Constable is expected to ensure that their PCC is regularly informed of their decisions and operational activity in a timely manner so that the PCC can hold the Chief Constable to account for the totality of policing within their force area, including the operational delivery of the police service. The direction and control of the Chief Constable does not just remain under the scrutiny of the PCC but is open to investigation and scrutiny by the Independent Police Complaints Commission within the parameters of their terms of reference.

35. The PCC and Chief Constable must work together to safeguard the principle of operational independence, while ensuring that the PCC is not fettered in fulfilling their statutory role. The concept of operational independence is not defined in statute, and as HMIC has stated, by its nature, is fluid and context-driven.

36. The relationship between the PCC and Chief Constable is defined by the PCC's democratic mandate to hold the Chief Constable to account, and by the law itself: primary legislation and common law already provide clarity on the legal principles that underpin operational independence and the Office of Constable.

37. In order to respond to the strategic objectives set by the PCC and the wide variety of challenges faced by the police every day, the Chief Constable is charged with the direction and control of the Force and day-to-day management of such force assets as agreed by the PCC.

38. This Protocol does not fetter the ability of the Independent Police Complaints Commission to issue separate guidance on the distinct meaning of 'direction and control' as it is used in Part 2 of the Police Reform Act 2002(a) in the context of police complaints.

Financial Responsibilities

39. The PCC is ultimately accountable to the public for the management of the police fund. The PCC and Chief Constable share a responsibility to provide effective management of the policing budget and to secure value for money on behalf of the public that they both serve.

40. The Chief Constable has day to day responsibility for managing their allocated budgets after they have been approved by the PCC. The Chief Constable must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the PCC.

41. The working financial relationship between the PCC and their Chief Constable is set out in the Financial Management Code of Practice issued from time to time by the Home Secretary under statute.

Resolving differences

42. The PCC is a publicly accountable individual who together with their Chief Constable will need to establish effective working relationships in order to deliver policing within England and Wales. Where differences occur they should be resolved where possible locally between the PCC and Chief Constable. Professional advice may be offered by HMIC.

(a) 2002 c. 30.

Review

43. The Home Secretary has a duty to issue the policing Protocol, to which all parties must have regard when discharging their functions. This Protocol will be subject to periodic review, in particular during the first term of office of the first PCCs.

44. When there is a need to vary or replace this Protocol, the Home Secretary is under a duty to consult with those parties bound by this Protocol, and any other person that the Home Secretary sees fit before any changes are made.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 79 of the Police Reform and Social Responsibility Act 2011 requires the Secretary of State to issue a Policing Protocol, namely a document setting out, or otherwise making provision about, the ways in which relevant persons should exercise or refrain from exercising functions so as to encourage, maintain or improve working relationships or limit or prevent the overlapping or conflicting exercise of functions. “Relevant persons” for these purposes are the Secretary of State (in the exercise of her policing functions), elected local policing bodies (namely police and crime commissioners and the Mayor’s Office for Policing and Crime), chief officers of police forces maintained by elected local policing bodies, and police and crime panels. These persons must have regard to the Policing Protocol in exercising their functions.

This Order issues the Secretary of State’s Policing Protocol.

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£5.75

E1815 11/2011 111815T 19585

ISBN 978-0-11-151697-3



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Have you got what it takes?

To publicly account for your decisions

45

Have you got what it takes?

To publicly account for your decisions

Important facts

Police and crime panels are being introduced in every force area to scrutinise (examine) the actions and decisions of police and crime commissioners (PCCs). Panels will support and challenge PCCs when they carry out their functions, acting as a 'critical friend'.

Panels will not replace police authorities and will not have a role in scrutinising the performance of the force. This is the role of the PCC.

Panels will focus their attention on important strategic actions and decisions taken by the PCC including whether they have:

- achieved the aims set out in their Police and Crime Plan ;
- considered the priorities of community-safety partners; and
- consulted appropriately with the public and victims.

Panels will make sure information is available for the public to make the PCC answer for their decisions.

Background

Powers

Panels have a range of powers to help them carry out their function.

Panels have specific responsibilities relating to the Police and Crime Plan and annual report. These include making reports and recommendations about each of the two documents, which the PCC must take account of and provide a response to.

Panels can also make reports or recommendations about the proposals by the PCC on:

- the level of the precept (council tax charge for the police); and
- appointing a chief constable.

The panel may also veto (reject) the PCC's proposals on these two issues with a two-thirds majority vote.

To make sure there is transparency and openness, the panel must publish all reports and recommendations that it makes. The PCC has to publish their response to these. The panel must hold a public meeting to discuss the annual report and to question the PCC about any concerns they may have.

Other specific powers held by the panel include:

- Asking Her Majesty's Inspectorate of Constabulary for a professional view when the PCC plans to dismiss the chief constable. In cases of dismissal (forced resignation or retirement) the panel must hold a scrutiny hearing and make a recommendation to the PCC.
- Appointing an acting PCC if the elected PCC cannot carry out their role for health reasons, resigns or is disqualified.
- Holding confirmation hearings for important staff – chief executive and chief finance officer and for any deputy. The panel will have no power to refuse appointments but could make a recommendation to the PCC.
- Monitoring complaints against the PCC and dealing with non-criminal complaints.

Police and crime panels have other powers, including:

- asking to see any papers the PCC has (except those that are operationally sensitive);
- making the PCC (and their staff) come to a panel meeting to answer questions;
- asking the chief constable to come to any meeting which the PCC is required to attend; and
- making reports and recommendations on any action or decision of the PCC.

Members of the panel

Panels will be made up of at least one elected representative (councillors or, where relevant, elected mayors) from each local authority (unitary, county and district) within the force area and two independent members or co-optees. There should be at least 10 elected representatives. In areas with fewer than 10 local authorities, each authority will have one member and the rest of the seats will be negotiated between authorities locally.

Local authorities will need to put forward and, in England, appoint members onto the panel. In doing so they must make sure, as far as is possible, that the panel is balanced according to the geographical and political make-up of the force area as well as making sure the members have the skills, knowledge and experience needed for the panel to function effectively.

If local authorities fail to put people forward, the Home Secretary will choose members of local authorities for the panel, taking into account the need for balance.

Once established, panels will be able, with the Home Secretary's permission, to co-opt further members, both elected and independent, up to a maximum panel size of 20.

Membership in Wales

Panels in Wales are not local-authority committees but free-standing public bodies set up and maintained by the Secretary of State in line with the Police Reform and Social Responsibility Act.

Councillors answer to the public and are aware of the principles of assessing performance. As a result, they will make up the majority of the panel. However, as panels are free-standing organisations in Wales, members will be voluntary public appointments made by the Secretary of State.

To make sure that these panels are right for the local area, the Home Secretary will invite local authorities in Wales to take a leading role in setting up the panels.

What is the status of a panel?

In England, panels will be committees of local authorities. In Wales a panel is not a local-authority committee but is a free-standing public body set up and maintained by the Home Secretary. The functions of a panel in Wales are those set out in the Act and are the same as those of a panel in England.

How will the panel's power of veto over the precept work in Wales?

The Act makes no change to the Local Government Finance Act 1992 except for replacing police authorities with the PCC as the major precepting authority. It also allows panels to assess the PCC's precept. In Wales, Welsh Ministers will continue to have their current powers to cap what is charged.

Will panels be funded?

We will provide £53,300 funding for each panel each year to cover support and running costs. We will also make available up to £920 per member of the panel each year to cover expenses. Funding in 2012/2013 will be about half this yearly amount as panels will only be in place for six months of the financial year (October to March).

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SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 8
12 September 2012	

Contact Officer(s) Dr Dorothy Gregson, Chief Executive, Cambridgeshire Police Authority
Contact Details – 01480 425995

A PARTNERSHIP APPROACH TO THE CREATION OF CAMBRIDGESHIRE'S POLICE AND CRIME PLAN

1. PURPOSE

- 1.1 To update the Panel on work to ensure the Police and Crime Commissioner, on their arrival, has the information and infrastructure required to create a Police and Crime Plan which meets the duty to work in partnership to reduce crime and disorder within the timeframe dictated by Government.

To submit the Draft Victim and Offender Needs Assessment, a commissioned evidence base for the Police and Crime Plan, to the Panel for their information.

2. RECOMMENDATIONS

Members of the Panel are asked to note that the Draft Victim and Offender Needs Assessment is being used to create an early dialogue with partners about how they can fulfil the 'reciprocal' partnership duty placed up on them to reduce crime and disorder. This work will gain momentum at 'Partners' Workshop' to facilitate discussions about the key issues senior stakeholders would like to see included in the draft police and crime objectives made available for the Commissioner. This work could be used to inform the Commissioner's Police and Crime Plan which will be brought to the Panel for review in January 2013.

3. TERMS OF REFERENCE

- 3.1 The Police Reform and Social Responsibility Act 2011, which abolishes police authorities, places a responsibility on the Police and Crime Commissioner to issue a Police and Crime Plan within the financial year they are elected. The plan should set out the Commissioner's police and crime objectives for policing and reducing crime and disorder and the financial and other resources to achieve them. The Commissioner must consult the Chief Constable on the draft plan before sending it to the Panel to be reviewed. The Panel must make any recommendations on it and allow the Commissioner to have regard to the recommendations and issue the plan by March 31, 2013.

4. BACKGROUND

- 4.1 The Commissioner and responsible authorities 'must act in co-operation with each other' to reduce crime and disorder and provide an efficient and effective criminal justice system. This reciprocal arrangement has been described by the Home Office as 'broadly defined' to allow for local arrangements. In exercising their duty to issue a Police and Crime Plan the Commissioner must 'have regard' to the crime and disorder reduction priorities set by partners, the strategic direction of the criminal justice system and the national strategic policing requirement.
- 4.2 This duty is new and means additional work has been undertaken to supplement the historical work to complete the Policing Plan. A key element of this work has been the Victim and Offender Needs Assessment.

Victim and Offender Needs Assessment

- 4.3 It has been recognised nationally that authorities need to ensure the building blocks to draft the first police and crime plans are in place before the November elections to allow for the plan to be issued within the tight time frames.
- 4.4 To create this foundation for Cambridgeshire and Peterborough, the authority, steered by an inter-agency group, commissioned Cambridgeshire County Council's Research Unit to conduct an assessment of the needs of victims of crime and offenders in Cambridgeshire and Peterborough.
- 4.5 The assessment is 'people' focused. It allows us, for the first time, to have a joint understanding with partners of the numbers of victims and offenders and their needs. This complements, but does not duplicate, the existing police and community safety partnership strategic assessments and enables responsible authorities to develop a more comprehensive view of how crime and disorder can be jointly addressed.
- 4.6 The needs assessment identifies concepts such as 'prolific' offending, 'persistent' offending, the length of criminal careers and how they fit into the local context. It reveals most, but not all, persistent offenders within Cambridgeshire and Peterborough began their offending in the area at a young age. Many of the traits of those young people who could go on to become future persistent offenders are identifiable, and given the right interventions these young people could be successfully diverted away from crime. This would ensure a positive start to life for many children and their families.
- 4.7 The needs assessment also identified the link between high crime rates and a concentration of both victims and offenders in deprived areas. The focus on high risk offenders needs to be balanced with "upstream" preventative partnership work. This creates a safe environment and helps build strong communities, wellbeing and mental health where offending behaviour is reduced and victims and witnesses are well supported by their communities. The Family Intervention Projects are examples of this type of work.
- 4.8 Workshops with colleagues from a range of agencies were held to inform the needs assessment. At these sessions victim groups were identified. The first group identified was those at high risk of serious harm such as victims of domestic abuse (the largest group in this section), victims of sexual violence, hate crime, honour-based violence and people bereaved by murder, manslaughter or as a result of road traffic incidents. The needs assessment identified that broadly speaking these groups of victims require specialist protective services and long term support. Domestic violence has been prioritised within the draft Health and Wellbeing Strategy for Cambridgeshire making this an important shared agenda.
- 4.9 The next victim grouping included those that were not all at risk of serious harm, but featured a number of high risk cases. The biggest group was the victims of anti-social behaviour, however young victims, vulnerable elderly victims and those with mental health problems were also included. The needs assessment identified that broadly speaking these groups of victims require proper assessment to gauge vulnerability and the co-ordination of statutory and other services in order to meet their needs.
- 4.10 The crucial role played by witnesses in supporting victims and ensuring offenders are brought to justice is touched upon in the needs assessment. Further work in this area has now been commissioned to ensure the Commissioner and responsible authorities get a clearer picture of the needs, both met and unmet, of this group. The need to bolster information on the cross cutting theme of mental health has also been highlighted.

5. KEY ISSUES

- 5.1 This is a new era of partnership work and planning. It is important that a joint understanding is created regarding how all partners can fulfil the 'reciprocal' partnership duty placed up on them to reduce crime and disorder. The creation of the Draft Victim and Offender Needs Assessment,

steered by representatives from the responsible authorities and voluntary sector, initiated the dialogue between partners. This assessment will then be used, alongside the Constabulary's Risk Assessment, to inform discussions between key stakeholders on what issues should be included in the police and crime objectives made available for the incoming Commissioner.

5.2 These discussions will take place at a Partners' Workshop on September 27 hosted by the Police and Crime Partnership Transition Working Group. This work could then in turn inform the future creation of a partnership-owned performance framework which publicly shows how the Commissioner and each of the partners have exercised their duty to reduce crime and disorder.

5.3 Elements which have historically informed the Policing Plan such as the Policing Strategic Assessment, Medium Term Financial Framework, IT strategy, workforce plan and collaboration initiatives have also been updated and reported to the 5th September Police Authority Finance and Resources Committee, <http://www.cambs-pa.gov.uk/meetingDetail.cfm?MeetingId=422> .

6. IMPLICATIONS

6.1 Not applicable

7. CONSULTATION

7.1 Significant consultation took place during the creation of the Draft Victim and Offender Needs Assessment; the draft police and crime objectives which will be available to the incoming Commissioner will be drafted in consultation with partners.

8. NEXT STEPS

8.1 The Police and Crime Plan, which will include the draft police and crime objectives and detail of any police and crime grants issued by the Commissioner will be brought back to the Panel for review in January, 2013.

9. BACKGROUND DOCUMENTS

9.1 Draft Victim and Offender Needs Assessment

10. APPENDICES

10.1 Draft Victim and Offender Needs Assessment – Executive Summary. The full document is available on request.

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Victim and Offender Needs Assessment

Executive Summary

July 2012

Assessment project led by the Research and Performance Team, Cambridgeshire County Council on behalf of Cambridgeshire Police Authority

This is the first time that a joint needs assessment for victims and offenders has been carried out for Cambridgeshire and Peterborough. It was commissioned by Cambridgeshire Police Authority and overseen by a steering group of representatives from a range of local agencies.

The approach was chosen to reflect the way people think about crime, which is based on who they are, where they live and their own or their family's experiences, rather than being primarily statistically-led.

The assessment uses qualitative opinions from a series of bespoke consultation workshops with people who work with victims and offenders, as well as numerical data collected locally. It paints a picture of the numbers of victims and offenders in Cambridgeshire and Peterborough and provides a broad overview of the needs of sub-groups within the population.

Key Findings - Victims

- Since 1995 the level of crime in England and Wales has fallen¹. An individual's likelihood of being a victim has fallen with the fall in crime, however being a victim is still a reality for many people.
- Cambridgeshire Constabulary recorded 32,260 victims of crime (excluding businesses) during the calendar year 2011.
- Of these victims 85 per cent were aged between 16 and 65. A total of 80 per cent were white British, or from other white backgrounds e.g. European. A third of victims came from the 20 per cent most deprived areas of Cambridgeshire and Peterborough.
- The British Crime Survey suggests that many people do not report crimes and that at least one in five people in the country are actually victims of crime each year. Applied to the population of Cambridgeshire and Peterborough this infers more than 100,000 people (aged 10-65) could have been a victim of some sort of crime in the last 12 months.

¹ British Crime Survey (BCS) 2010/11: This is a systematic study of victimisation in England and Wales carried out through interviewing a large sample of the population. The BCS provides a different reflection of crime compared to police crime statistics since it includes unreported offences and those considered too trivial to be worth reporting by the victims.

- The likelihood of someone reporting a crime can depend on the nature of the crime they have experienced. For example the British Crime Survey suggests almost 100 per cent of people who have had their car stolen will contact the police, while only 11 per cent of victims report serious sexual assaults.
- There is also variation in repeat victimisation. Those experiencing domestic abuse are more likely to suffer from repeat victimisation than any other type of victim. Cambridgeshire Constabulary records nearly 13,000 domestic abuse incidents each year; while the actual number of incidents experienced could be significantly higher.
- The impact of becoming a victim of crime varies from person to person. A relatively minor offence can have a serious outcome for a vulnerable victim. All agencies need to appreciate this and take a victim-centred approach; responding to the needs of the individual, rather than the crime type suffered. The demand for victim support services outweighs the resources available which means the highest risk victims are prioritised.
- The Victim Services' Advocacy Project recommended a common assessment tool should be introduced for victims across Cambridgeshire and Peterborough. It also raised a need for a seamless service for victims.
- The consultation workshops identified that the following victim groups needed to be featured within the needs assessment:
 - Victims of anti-social behaviour
 - Victims of domestic abuse
 - Victims of sexual violence
 - Victims of hate crime
 - People bereaved by murder, manslaughter or as a result of road traffic incidents
 - Young victims of crime
 - Victims of honour-based violence
 - Vulnerable, elderly victims of crime
 - Victims with mental health problems
 - Victims living in deprived / vulnerable localities.

A brief overview of why each of these groups has been included is within the main body of the needs assessment.

- The impact of crime on each of the key victim groups is potentially more significant. Some of these groups have high volumes of victims and place a great demand on services; for example, it is estimated there are more than 40,000 reported incidents of anti-social behaviour each year. Other victim groups are relatively small in number; with Cambridgeshire Constabulary recording 155 cases of honour-based violence between August 2008 and May 2012.
- The likelihood of becoming a victim varies depending on personal circumstances and lifestyle. For example the risk of being a victim of crime is highest amongst single, 16–24 year old males who live in relatively deprived areas. The lowest risk lies with someone in an older age range living in an affluent rural area.

Key Findings - Witnesses

- Witnesses play a crucial role in supporting victims and ensuring offenders are brought to justice. If they are witness to a traumatic event then they could be considered a secondary victim group.
- There is only a limited amount of local information available about witnesses and their experiences. Research with a small sample of witnesses as part of the joint inspection of Witness Care Units (WCU) in 2009 found that 14.3 per cent would not be prepared to give evidence should they witness a crime again. This point was also raised by those people who attended the stakeholder workshops in Cambridge and Peterborough. In particular those working within the third sector reported that many witnesses they had come across had expressed the view that “if they had know what it was going to be like, and entail, they would not have come forward as a witness”. More research is needed to identify if this is a common experience in Cambridgeshire and Peterborough or not.
- It has been recognised that a more detailed look needs to be taken at witnesses so all agencies can better understand and support their collective needs. This work has now been commissioned by Cambridgeshire Police Authority and will be added to the Joint Victim and Offender Needs Assessment in October.

Key Findings - Offenders

- Cambridgeshire Constabulary identified at least 11,300 individual offenders during 2011 – this includes those linked to a crime as the offender and those who have been convicted, cautioned or recently arrested.
- The total extent of offending is difficult to gauge. Estimates of offending based on the national 2003 Crime & Justice Survey applied locally suggest that more than 50,000 people living in Cambridgeshire and Peterborough aged between 10 and 65 years could have committed some sort of offence in the last 12 months. However many offences, as suggested in the British Crime Survey, go unreported, indeed many would have been considered too trivial to have been reported.
- More than 80 per cent of the offenders identified by Cambridgeshire Constabulary are male. Nearly one third are aged between 18 and 24, and 17 per cent are under the age of 17. Over a third reside in the 20 per cent most deprived areas in Cambridgeshire and Peterborough.
- Many local agencies are involved in managing offenders. Within Cambridgeshire and Peterborough there are three prisons with a total of 2,727 prisoners. Each year more than 2,000 offenders are supervised for periods by the Cambridgeshire and Peterborough Probation Trust – with approximately 10 per cent re-offending each quarter.
- The re-offending rate amongst short-sentence prisoners (those serving less than 12 months, who are not subject to probation supervision) has been highlighted as being the highest of all offender groups² even higher with 57 per cent reoffending within a 12 month period.
- More than 950 young offenders (those aged under 18) are managed by youth offending services in Cambridgeshire and Peterborough each year.

² 2011 Compendium of Reoffending Statistics and Analysis, Ministry of Justice

- The risk factors in childhood which lead to offending can be the same as those which accompany substance misuse, other risk taking behaviours, and mental ill-health. Early interventions with young people can be the most effective, but need to address a broad range of behaviours, not just offending.
- Analysis into the current most prolific adult offenders in the area has revealed most started out as young offenders in Cambridgeshire and Peterborough. In fact it revealed 85 per cent of them started their offending in the county at an average age of 13.
- The Integrated Offender Management Scheme currently manages 169 prolific offenders, many of whom also have drug and/or alcohol dependency problems. This represents less than two per cent of offenders identified in Cambridgeshire Constabulary's nominal database.
- The MAPPA (Multi Agency Public Protection Arrangements) scheme has identified 726 offenders (512 sex offenders and 154 violent offenders) who are specifically assessed to manage the risk they pose within the community in Cambridgeshire and Peterborough.
- No single issue causes someone to re-offend rather it is an interaction between many different factors e.g. drug misuse, homelessness, lack of social skills or lack of employment opportunities. Therefore offenders need to be managed holistically with co-ordinated inputs from a number of relevant agencies.
- The consultation workshops highlighted that many offenders can also become victims of crime. In particular sex workers, substance misusers and chronically excluded adults were identified as being at risk.

SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 9
12 September 2012	

Report of Head of Business Support and Head of Legal Services, Peterborough City Council

Contact Officers – Nick Hutchins, Head of Business Support; Kim Sawyer, Head of Legal Services

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FINANCIAL MATTERS

1. PURPOSE

- 1.1 This report outlines the finances for the Panel, including the expenses and allowances of Panel Members.

2. RECOMMENDATIONS

- 2.1 The Panel notes the arrangements for management of the finances of the Panel.

3. TERMS OF REFERENCE

- 3.1 The report is in accordance with the inter-authority agreement of July 2012 concerning the arrangements of the Panel.

4. BACKGROUND

- 4.1 As host authority for the administration of the Police and Crime Panel, Peterborough City Council will receive a grant from the Home Office to fund the operation of the Panel. This grant is expected to be £53,300 per financial year for support and running costs, plus up to £920 per Panel member to cover their necessary expenses. The grant will commence in October 2012 and be paid pro-rata for the period October 2012 – March 2013.
- 4.2 According to the panel arrangements agreed by all of the Cambridgeshire authorities, the annual cost of the Panel is to be reduced by the figure of grant from the Home Office or any other source with any additional costs to be borne between the Authorities equally.
- 4.3 A draft budget for the operation of the Panel shall be drawn up by the Host Authority in February of each year, and shall be approved by the Authorities. It is expected that all costs will be contained within the budget where possible.

5. KEY ISSUES

- 5.1 *Costs of the Panel*
In the absence of an approved budget for 2012/13, the resources available to fund the support and running costs of the Panel to March 2013 are limited to the anticipated grant of £26,650. It is anticipated that future budgets may similarly be set within the level of grant available.
- 5.2 Although it is difficult to estimate the costs of operating the Panel in the first 6 months, it is likely that the budget available will be used primarily to provide officer support for the operation of the Panel. Other expected costs include support for the independent (co-opted) members of the Panel, accommodation and administration for the meetings.

- 5.3 *Expenses*
The necessary expenses of Panel Members will be limited to £460 per Member in 2012/13.
- 5.4 There appear to be no clear rules regarding the payment of expenses to members of the Panel. The total sum for Panel members' expenses is paid in the form of a grant to the host authority and it will therefore be for the host authority to administer the system for payment of allowances. The rules regarding claims for expenses by the host authority is set out in part 3 of the Members allowances scheme at Appendix 1.
- 5.5 *Allowances*
Under section 28 of the Police Reform and Social Responsibility Act 2011 it is for the participating authorities to agree whether they wish to pay the Panel members an allowance for their role on the Panel. No provision was made by the Home Office for payment of an allowance within the annual grant for the Panel.
- 5.6 Within Cambridgeshire it was agreed that payment of any allowance would be decided by each of the authorities for the first 6 months of the Panel's operation. Following that members allowances for the Panel should be referred to the next annual meeting of each authorities' Independent Remuneration Panel to conclude whether they wish to make any allowance for their members.
- 5.7 Any allowance for co-opted members would come from the grant for the Panel.

6. IMPLICATIONS

- 6.1 The costs of supporting the operation of the Panel are intended to be contained within funding provided by the Home Office for this purpose.

7. CONSULTATION

- 7.1 Consultation on the proposals for the membership of the Cambridgeshire Police and Crime Panel has been undertaken with the Secretary of State and the Local Government Association. Once membership is confirmed, the manner in which the Panel allocates its budget is a matter for the participating authorities. The Police Authority has been consulted on the contents of this report and officers of the local authorities and the Police authority have been collaborating in a working group to assist in the formulation of the Panel.

8. NEXT STEPS

- 8.1 A draft budget for the operation of the Panel for the forthcoming financial year shall be drawn up by the host authority in February, for approval by the Authorities.

The budget will be monitored in accordance with the normal arrangements of the host authority, and reported to future panel meetings on a regular basis.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 Police Reform and Social Responsibility Act 2011
Terms of reference for the Cambridgeshire Police and Crime Panel
Panel arrangements for the Cambridgeshire Police and Crime Panel

10. APPENDICES

- 10.1 Appendix 1 – Members allowances scheme Peterborough City Council (part 3 expenses)

Peterborough City Council

Members' Allowance Scheme

The statutory Members' Allowance Scheme was first approved 18 July 2001 and took effect from 3 September 2001.

1. INTRODUCTION

The payment of allowances to councillors is governed by various Acts of Parliament and Regulations. There is a key distinction to note, as follows.

Sections 99-100 of the Local Government Act 2000, and the Local Authorities (Members' Allowances) (England) Regulations 2001, as amended, contain provisions about the following allowances:

- a 'basic allowance' payable to all councillors;
- a 'special responsibility allowance' payable to some councillors who, in the Council's opinion, make a significant additional contribution to the Council's work;
- a child and dependant carer's allowance (optional);
- the payment of pensions to councillors who undertake certain special responsibilities (optional).

The Local Government Act 1972 (and subsequent amendments and regulations) provide for payments to cover expenses incurred by:

- the Mayor, while carrying out his/her duties in office (section 3(5) of the Act); and
- the Deputy Mayor, also for expenses incurred in office (section 5(4) of the Act).

From May 2001, the 2001 Regulations made it necessary for councils to set up an independent panel to advise the Council about its levels of basic and special responsibility allowance, whether it should pay a carer's allowance and whether any allowances should be made pensionable. The Council determines its own allowances scheme, but must have regard to this independent panel's recommendations. Peterborough's Member Allowances Panel's terms of reference and constitution were set at Council on 11th April 2001. Council agreed in November 2002 that the Member Allowance Panel should conduct an annual review of the Members' Allowances Scheme soon after the Annual Council Meeting. Prior to this annual review, the Panel should meet the Council's political Group Leaders and the Chief Executive, each year. Council also agreed to give direct feedback to the Panel, after consideration and rejection of any of its reports, to explain the reasoning behind not accepting any of the Panel's recommendations.

The panel does not have a statutory role in commenting upon the expenses payments listed above as being made in accordance with the Local Government Act 1972, but the Council may voluntarily ask the panel to advise it about them.

This document deals with allowances first, then expenses payments and levels of equipment provided to councillors for their council business.

STATUTORY MEMBERS' ALLOWANCES SCHEME**2.1 Basic allowance**

Every City Councillor shall receive an annual allowance of £7962.08. This comprises a basic allowance of £7,165.95, a telephone allowance of £568.68 and a travel and subsistence allowance of £227.45. It will be paid in instalments of one-twelfth on the 28th of each month, with minor adjustments where necessary to ensure that the total annual sum is correct. The allowance is subject to annual updating - see paragraph 2.8 below.

The basic sum covers all expenses and time incurred by a city councillor in carrying out his/her ordinary duties for the Council. However, it excludes travel and subsistence allowances for approved duties outside the district, which are referred to separately below. Furthermore, the Council makes available to councillors a certain amount of equipment over and above the basic allowance. Again, this is referred to separately below.

The Council does not pay an allowance to co-opted members, other than those on the Standards Committee, but does pay expenses (see paragraphs 2.2 and 3.1).

2.2 Special responsibility allowances

An annual special responsibility allowance (SRA) will be paid to certain councillors. As a councillor may only receive one SRA (with the exception of Group Secretaries), any councillor fulfilling more than one special role shall choose at the start of the municipal year which SRA to claim. SRAs will be paid in monthly instalments. They are not payable when a councillor temporarily steps into another's role (say, when the vice-chairman chairs a meeting).

<u>Table of special responsibility allowances</u>	<u>Annual sum (£)</u>
Leader of the Council (3 x basic allowance)	21,497.85
Deputy Leader (75% of the leader's allowance)	16,123.39
Cabinet Members (2 x Basic allowance)	14,331.90
Cabinet Advisors (Basic allowance)	7,165.95
Chairman Planning & Environmental Protection Committee (Basic Allowance)	7,165.95
Chairman of Licensing Committee (Basic Allowance)	7,165.95
Chairman of Audit Committee (Basic allowance)	7,165.95
Independent Member of Audit Committee	784.50
Chairman of Employment Committee (25% basic allowance)	1,791.48
Chairmen of Scrutiny Commissions (2 members) (Basic allowance)	7,165.95
Chairmen of Scrutiny Committees (3 members) (Basic allowance)	7,165.95

Chairmen of Neighbourhood Committees (7 members) (3 x Basic allowance divided by 7)	3,071.12
Leaders of Opposition Groups (To be distributed on a pro-rata basis dependent on the number of members in each group – basic allowance divided by number of members of the Opposition Group) (This allowance should not be paid to the leader of any additional groups which have the same political allegiance as one already recognised by the Council.)	7,165.95
Chairman of Standards Committee	1,569.00
Independent Members of Standards Committee (up to 7 members)	784.50

2.3 Child and dependant carer's allowance

Councillors may claim reimbursement of actual, reasonable costs incurred in using childminders, babysitters or other sitters for dependants while carrying out approved duties. Approved duties are listed in a separate section below. Claims should be made monthly in arrears, by attaching the receipt(s) to the submitted member's claim form and entering the amount claimed on the form.

Information about registered childminders is available from the Council's Children & Family Services division. Details of care services for elderly and disabled dependants are best obtained from independent agencies such as Crossroads.

2.4 Pensionable allowances

Statutory regulations allow Councils to make certain allowances pensionable, but only if so recommended by their independent remuneration panel. At Peterborough, it has been agreed that the option to allow members to participate in the Local Government Pension Scheme should not be introduced at this time (February 2005).

2.5 Renunciation of allowances

A councillor may choose to forego all or part of his/her entitlement to basic or special responsibility allowances under this scheme. If this is the case, he/she should give notice of this in writing to the Monitoring Officer, stating what element of his/her allowance entitlement he/she does not wish to claim. The notice should also state whether this is for the current municipal year or the remainder of the Councillor's term of office – if the notice does not specify a time period then it will be assumed to mean the remainder of the term of office.

A member not wishing to claim the expenses described in section 3 below need not give notice in writing – he/she simply does not submit any expenses claim forms.

2.6 Publicising allowances and expenses paid

As required by law, the Council publishes any recommendations which its Members Allowances Panel makes about members' allowances, and also the conclusions which the Council reaches as a result of those recommendations.

Each year it advertises the total sum paid during that year to each councillor in respect of basic allowance, SRAs, expenses and childcare/dependant carer's allowance. The information is published in a local newspaper, the Council's 'Your Peterborough'

magazine and on the homepage of the Council's website. (The advertisement excludes the expenses payments and allowances covered by section 3 below.)

The Council publicises the expenses and/or remuneration paid to any elected Member appointed on behalf of the Council to the Police and Fire Authorities. Publication of these figures takes place at the same time as each individual body publishes this detail.

The Monitoring Officer maintains a file of payments to Members.

2.7 Suspension of Allowances

Any member who is suspended or partially suspended from his/her responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 may have his/her allowances withheld for the period of any suspension.

2.8 Annual Updating

The basic allowance is updated annually with effect from 1st April, in line with the median white-collar wage, as notified by the Local Government Association each year.

3. PAYMENT OF EXPENSES

3.1 Approved duties

Councillors and co-opted members may claim reimbursement of travel, subsistence and conference expenses incurred whilst undertaking an approved duty outside the district. Attendance at any of the following is an approved duty:

- any Council meeting
- any meeting of one of the Council's committees / commissions, sub-committees, working groups or neighbourhood councils to which the member has been specifically appointed (expenses are not reclaimable by other members attending these meetings, whether or not they attend by invitation)
- any meeting of the Cabinet or a Cabinet committee
- agenda planning meetings for the Cabinet, scrutiny committees/commissions and regulatory committees
- the quarterly overview and scrutiny co-ordination meeting
- All Party Policy Planning meetings
- District Tenants' Monitoring Panel meetings
- formal inspection of Council properties and projects as authorised in advance by the Executive or a committee (including site visits for planning matters)
- in-house training and development seminars including Members' Induction, Staff Induction and service-specific seminars
- conferences or seminars approved by the Director as described at section 3.4 below
- a meeting of an external organisation, including partnership bodies, to which the councillor has been appointed as the Council's representative – for details see the list of approved appointments issued annually near the start of the municipal year, and maintained subsequently, by Democratic Services. (If the external organisation will pay travel and/or subsistence costs, then the councillor should claim against that organisation and cannot claim from the City Council.)

Expenses will not be paid for attendance at national and regional bodies if the councillor was not appointed to the organisation or event by the City Council.

Travel and subsistence allowances for co-opted and lay/expert members of committees and panels will be paid, at the same level as for elected members.

3.2 Travelling expenses

Councillors receive a travel and subsistence allowance within the basic allowance. Claims for mileage and subsistence within the District have therefore been discontinued. This allowance replaces the cycle allowance and bus passes previously available.

For journeys outside Peterborough, where public transport is readily available the ordinary fare will be reimbursed if this is less than a sum based upon car mileage. However, mileage claims are usually allowable for journeys to Cambridge because of the remote location of the railway station.

The Council will pay reasonable travel costs to and from an approved duty when a councillor is absent from his/her usual residence, such as when working out of the area or when attending a residential course elsewhere. This does not cover return from holidays. If such a claim is made and an officer is unclear whether or not the expense should be reimbursed, the officer shall consult the three political group leaders prior to approving payment. Any unresolved claim is the responsibility of Council to determine.

Travel option	Details of travel expenses reclaimable (outside the district)
By public transport	<p>The ordinary fare may be claimed, supported by a receipt. For travel by rail, wherever possible the tickets should be ordered in advance through the Members' Services Unit, so that the Council's bulk discount scheme can be used.</p> <p>The Council will refund the purchase of a rail card provided that this saves the Council money in reimbursing travel expenses.</p>
By car	<p>A City Council car parking permit will be provided at a charge proportionate to a member's allowances. Any member wishing to purchase a second permit will be required to pay a higher rate for their permits equivalent to an officer on the same salary as the member's total allowances.</p> <p>A residents' parking permit will be provided free upon request to assist each member with resident parking in their ward. An Executive decision dated 30 July 2002 allows members to park in parking bays in St Peter's Road when visiting the Town Hall on business (excluding disabled bays unless a Blue Badge is displayed). However, if there is a space available in the Car Haven car park, this should be used instead of St Peter's Road – May 2004.</p> <p>The car mileage rate is updated annually in accordance with HMRC rates. It applies irrespective of engine size or distance travelled, and is currently 45 pence per mile. The Council will pay, upon production of a receipt, associated actual and reasonable costs incurred on parking fees, tolls or ferries. Members must have adequate vehicle insurance to cover 'business use' to provide for their journeys in relation to approved duties and constituency activities.</p>

Travel option	Details of travel expenses reclaimable (outside the district)
By taxi	Regulations under the Local Government Act 1972 restrict councillors' use of taxis to "cases of urgency or where no public transport is reasonably available" – they allow for the actual fare and "a reasonable gratuity" to be reimbursed. Therefore, if there was no urgency, or public transport was available, any claim for taxi costs will instead be reimbursed by payment of the bus fare for the equivalent journey.

3.3 Subsistence expenses and Council refreshments

A councillor may claim reimbursement of subsistence costs incurred personally while on approved duties outside the district. The latter are described at a separate section below. In order to qualify for reimbursement:

- the councillor must be away from his/her usual residence for a minimum of four hours (this time period applying only to the time spent in travel to and from, and attendance at, the approved duty outside the district)
- there must be no meal provided at the approved duty, either by the Council or any other organiser for the event
- the councillor should attach a receipt to his/her expenses claim form to show that a meal was purchased (and the amount paid will be the amount incurred and shown on the receipt up to the maximum limit shown below).

The rates payable are set annually according to the NJC scale. They are currently as set out in the table below.

Subsistence type	Details	Payment amount
Lunch allowance	Covers the period from 12 noon to 2pm	£7.92
Evening meal allowance	For a period of absence ending after 7pm.	£9.80
Absence overnight	To cover hotel and associated expenses – but note that, in these cases, the Council will book and pay for hotel accommodation directly (see 'conferences' at separate section below)	£79.82 (increased to a maximum of £91.04 in certain circumstances, eg for meetings in London and for LGA meetings)

If a meal is taken on a train, this is taken to relate to the subsistence allowance which it most closely equates to (i.e. lunch or evening). The above conditions still apply.

The Council may provide refreshments for 'approved duty' meetings which last over the lunchtime period or which start between 4.30pm and 6pm.

Case law during 2000 showed that Councils may pay more than the subsistence maxima stated above for overnight absence, in cases where the Council pays for that accommodation directly. Peterborough requires that members ensure that any overnight stay bookings for approved duties and conferences are made by Council officers. The Council will then pay for the cost of the accommodation and breakfast.

Lunch and evening meal costs up to the subsistence amounts shown above and travel as described at section 3.1 can also be paid this way. The Council will not pay for bar bills or other drinks, meal costs above the subsistence maxima, telephone calls or any other incidentals purchased by the councillor during their overnight stay (such as newspapers or laundry).

Officers making overnight stay bookings should first check with the Monitoring Officer that the proposed activity constitutes an approved duty and has been authorised properly. They should make clear whether the cost is to be borne by the service department's conference budget, or whether the central Members' Allowances budget is expected to fund it. When giving the councillor the details of the reservation, they should remind the councillor that he/she must pay for any incidental charges and not add them to the hotel bill. After the event, the officer must send a copy of the hotel bill (annotated to show the receiving councillors) to the Head of Governance so that the file of payments to members can be updated.

In exceptional and unavoidable circumstances, a councillor may still book and pay for overnight accommodation directly, but in these cases the maximum reimbursement which the Council will be able to make is the overnight stay sum shown above.

3.4 Conference and seminar expenses

In accordance with the Delegations Document, attendance at conferences and seminars is approved by the relevant Director in consultation with the Leader of the Council, taking into account the benefit to the Council that would be derived from, and the appropriate level of, member attendance. It should only be approved where the relevant service has adequate provision for this in its budget for conference attendance, ensuring that this takes account of all anticipated fees and expenses involved. The budget holder's prior approval must thus be obtained. Typical conferences include:

- Local Government Association – Chief Executive and relevant member(s)
- Institute of Leisure & Amenity Management national conference and parks seminar
- Institute of Baths and Recreation Management conference
- National Playing Fields Association conference
- CIPFA conference
- Institute of Revenues, Rating and Valuation conference
- Chartered Institute of Housing conference
- Local Government Association housing conference, tourism conference, etc
- Town & Country Planning Association weekend and summer schools for councillors
- Annual Social Services conference.

The Council will book and pay for conference and seminar expenses directly, as described in relation to overnight stays in section 3.3 above. If there is no overnight stay, then any travel or subsistence claims must comply with the usual conditions for approved duty attendance, and be submitted in the usual way on the monthly expenses claim form.

3.5 Expenses for travel and subsistence abroad

Occasionally a councillor may be invited to travel abroad on official business, through his/her membership of an external organisation to which the Council has appointed

him/her as its representative. Given the potentially sensitive nature of such travel in the public perception, prior City Council consent should always be obtained to the classification of the proposed activity as an approved duty eligible for the reimbursement of the associated expenses. If such approval is given, then the conditions described in the sections above apply as for any other approved duty.

The Mayor may also travel abroad for civic purposes during his/her year of office, in accordance with the Council's Civic Protocol. As with the overnight stays described at section 3.3 above, the Council will book and pay for accommodation directly.

3.6 Child and dependant carer's allowance

Councillors may claim reimbursement of costs incurred in using childminders, babysitters or other sitters for dependants while carrying out approved duties. See section 2.3 above for details.

3.7 ICT and other equipment

The Council will pay for the installation of a telephone at a councillor's residence, if there is not one already installed. Councillors may also ask the Council to meet the deposit costs relating to a telephone installer's credit checks, when a new phone is installed. These are refundable to the Council after 12 months.

All members are entitled to a mobile telephone to assist them in carrying out their duties. These devices will be allocated on request. Any costs associated with contract rental or business calls will be met by the Council. However, the cost of any personal calls must be reimbursed to the Council. Members' Services will assist in this process.

The Council will provide on request and install in members' homes where appropriate:

- A laptop computer to assist with Council work
- Broadband internet connection
- A printer
- The facility for members to have their own websites that can be maintained by themselves or by Members' Services
- A mobile telephone
- Appropriate training for IT usage.

Computer access and stationery are provided for councillors' use in each Group Room at the Town Hall, and any Cabinet Offices provided also contain office equipment for Cabinet Members' use.

3.8 Claims procedure (for travel and subsistence outside the district and conference expenses)

Claims for travel, subsistence and dependent carer's allowances must be made by the eighth day of each month, for the previous month, using the members' claim form. Members should submit a signed form to Members' Services so that it can be verified and approved before the monthly payroll run. All claims received after this timescale will be submitted for payment the following month.

Councillors should ensure that they submit claims each month as claims stretching back over several months may be delayed owing to the increased difficulty of verifying them. Furthermore, very large back-claims may render the payment subject to tax and

national insurance payments. Claims spanning more than one financial year must be avoided, as this would result in the later year's budget being overspent. Therefore, all claims for travel, subsistence, carer's and dependant allowances for each financial year must be made by the end of April and will not be paid after that date.

The claim form must include receipts for all expenses including a valid VAT petrol receipt within the period of the claim. The claim form must be signed by the member to declare that he/she is entitled to the amounts claimed.

If a councillor wishes to reclaim tax paid on subsistence allowances, he/she must provide relevant receipts to HM Inspector of Taxes. If a councillor applies for benefit, he/she must declare any allowances and expenses received from the Council on his/her application form.

Should it ever arise that the Council incurs expenditure on behalf of a councillor's spouse or partner, then a debtor's account will be sent to the councillor to recover all additional costs and a copy of the accounts will be placed with the file of payments to members.

4. THE MAYOR'S AND DEPUTY MAYOR'S ALLOWANCES

Sections 3(5) and 5(4) of the Local Government Act 1972 provide for the Council to pay the Mayor and Deputy Mayor an allowance each, which it believes reasonable to enable them to meet the expenses of their office. The Council may, but is not obliged to, invite its independent Members' Allowances Panel to comment on the allowances paid.

The current allowances, which are increased annually in accordance with the LGA daily rate, are:

- Mayor £12,000 (of which £6,000 is payable directly, with the balance managed through the Mayor's Allowance Account);
- Deputy Mayor £3,600 (of which £1,800 is payable directly, with the balance managed through the Deputy Mayor's Allowance Account).

The above changes are implemented from the start of the 2009/10 Mayoral year. The direct sums are paid by monthly instalment with the office holders' other allowances. The balance in each case represents sums which the office holders may call upon to meet expenses incurred in the course of fulfilling their duties. The Council's Civic Protocol gives more details about the types of expenditure which these allowances cover.

5. GUIDANCE FOR OFFICERS IN RESPECT OF PAYMENT TO MEMBERS

All Officers must adhere to the above scheme when verifying and making payments to councillors. The Monitoring Officer, or those employees acting on his/her behalf, must verify all member claims prior to passing them for payment, and maintain a file of payments to members. For all payments under the members' allowances scheme, and those made under sections 173 to 176 of the Local Government Act 1972, this must show the name of the recipient, together with the amount and nature of each payment. It is open for inspection free of charge by electors in the area, who may copy any part of it.

Part 6, Members' Allowances Scheme

The scheme also applies to officers incurring expenditure on a councillor's behalf – if an officer spends more than the prescribed limits shown above for a member's travel and/or subsistence then *the officer cannot claim the excess, but must bear the cost personally*. If an officer wishes to make a claim for member travel and/or subsistence, he/she must complete an employee travel and subsistence expenses claim form in the usual way, but stating clearly which member(s) were paid for, and the details of the payment (cost, time of day incurred) which will allow it to be checked against the prescribed subsistence scheme. A copy must be sent immediately to the Monitoring Officer for recording in the file of payments to members.

This does not prevent the payment of sums to councillors which they may legitimately claim in a personal capacity (such as a rent allowance, refund of overpaid council tax or rent, a home renovation grant, for a business transaction, damages or compensation). Any payments of this type should be processed in the normal way for that service issue, rather than through the member's payroll arrangements for allowances and expenses.

If any other issue of payment to a councillor arises, other than one covered by the above members' allowance scheme or a normal service issue, then prior written approval should be obtained from the Chief Executive or Monitoring Officer.

When a department arranges any seminar, conference, course or visit which will incur costs on behalf of a councillor, the lead officer must liaise with the Monitoring Officer to ensure that only permitted expenditure is incurred. The lead officer should keep a list of members attending an approved event, and forward it immediately afterwards to the Head of Governance to ensure that any subsequent member claims for travelling and/or subsistence can be verified. If the officer pays for any member's travel or meals, then a copy of the officer's own claim form (with clear details of the amounts paid for each member) must be copied immediately to the Head of Governance so that the file of members' payments can be updated. Likewise, hotel bills for overnight stays should be annotated to show the receiving councillor(s) and copied to the Head of Governance.

Member tours must have prior committee or Cabinet approval (except for routine planning site visits), and will normally then be arranged by the relevant Officer within Democratic Services. Before proposing a tour, officers should check that there is adequate budgetary provision within the central Members' Budget – if not, an alternative budget must be identified.

Tours outside Peterborough may be arranged by the relevant service department. They will still require formal committee/cabinet approval and adequate budgetary provision. Any overnight stop, unless paid for directly by the Council, and any lunch or evening meals purchased for the councillors involved must adhere to the subsistence rates shown above. If air tickets are reserved, the cheapest rate of public air travel must always be used.

Any proposed payment or commitment of civic funds must be referred to the Monitoring Officer for prior approval. This officer must ensure all payments so made remain within budgeted levels of expenditure, and that any payments to or on behalf of members are recorded in the file of payments to members.

Any officer who is responsible for settling an insurance payment to a member from the Council's internal or external insurance funds, should copy details to the Head of Governance so that the file of payments to members can be updated.

Part 6, Members' Allowances Scheme

If a councillor undertakes to act as a volunteer in a Council activity, the relevant lead officer must first make clear that the councillor intends to act in his/her personal capacity as a volunteer and not in an official capacity as councillor. This is very important in order to ensure that proper account is taken of the strict regulations which govern payment to councillors for meals and travel. Furthermore, the manager takes full charge of and responsibility for the activities undertaken, regardless of the councillor's official status, in accordance with the Council's procedures for volunteer assistance.

Circumstances may arise when, due to the need for political neutrality, it would be inappropriate for a councillor or his/her relatives to volunteer for a Council activity. One example would be participating in the canvass for the register of electors. For such activities, the lead officer must vet proposing volunteers thoroughly and decline offers where necessary.

SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 9
12 September 2012	

Report of Chief Executive, Cambridgeshire Police Authority

Contact Officer(s) – John Hummersone, Treasurer and Deputy Chief Executive, Cambridgeshire Police Authority
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TRANSFER OF BUDGETS TO POLICE AND CRIME COMMISSIONER

1. PURPOSE

- 1.1 To inform the Panel of the latest position on existing central Government grants for community safety that the Government has indicated will transfer to Police and Crime Commissioners, within the context of the broader financial outlook for the Police and Crime Commissioner and the Constabulary.

2. RECOMMENDATIONS

- 2.1 The Panel is asked to note the report, in particular the significant budget pressures and pressing timescales for decision making.
- 2.2 The Panel is asked to indicate any additional budget information that they would find useful to consider to inform their review of the proposed precept in January 2013.

3. TERMS OF REFERENCE

- 3.1 In accordance with Regulations anticipated to be set down by Government, the Commissioner's precept proposals will need to be submitted to the Panel by 21 December. The Panel will need to review the proposed precept by 15 January 2013.

4. BACKGROUND

- 4.1 The Medium Term Financial Plan (MTFP) is a comprehensive strategic document which sets out a four year financial outlook for the Police and Crime Commissioner and the Constabulary and captures the costs of delivering the Police and Crime Plan. As part of the MTFP, the difficult budget settlements in the next few years will be addressed while still trying to preserve 'front-line' resources, especially neighbourhood policing.
- 4.2 The Police and Social Responsibility Act 2011 gives Police and Crime Commissioners powers to make crime and disorder reduction grants. During the passage of the Bill through Parliament, and subsequently, the Policing Minister has made many statements about existing central Government grants for community safety being transferred to Police and Crime Commissioners. Most recently (July), the Minister has announced that Commissioners will receive funding to commissioner services for victims. It is anticipated that offenders will have to pay up to £50 million a year to help victims and this will be in addition to the £66 million a year the Government already spends on services supporting victims and witnesses. It is reasonable to assume that if Police and Crime Commissioners achieve better value (outcomes) from spending that other funding will come their way.

5. KEY ISSUES

Crime and Disorder Reduction Grants

- 5.1 The existing funding streams which we are aware are to transfer to the Commissioner are set out at Appendix 1. However, it should be noted that the grants for 2012/13 finish at the end of that period, with an entirely new funding regime and grant-making process beginning in 2013-14. It will be for the Commissioner to take decisions about future funding or commissioning regimes.
- 5.2 In addition, while the Government has announced its intentions to transfer funds, it has given no indication of funding levels. Community safety funding from Government was reduced by 50 per cent in 2012/13 when compared with 2011/12. It is expected to reduce again in 2013/14. It would be hoped that Government funding announcements would come in time to be factored into the Commissioner's 2013/14 budget and precept proposals which have to be submitted to the Police and Crime Panel by 21 December. The target date for the grant settlement to be announced by Government is 21 November.
- 5.3 Government envisages that the Commissioner will have an opportunity to look holistically at community safety activity and funding across Cambridgeshire and Peterborough. Although the earmarked grants in question are relatively small (appendix 1) they do have an impact upon the partnership activity of criminal justice and community safety partners. The Local Government Association has already highlighted that the anticipated reduction in community safety funding will mean that some Community Safety Partnerships (CSPs) will no longer be viable in their own right and will need to consider mergers if they are to continue to function.
- 5.4 Although the successes of CSPs are dependent on effective partnership working and should not be wholly dependent upon ear marked funding, some partnerships and key thematic groups working across CSP boundaries have now come to rely upon grant funding to support activity and fund specific posts, rather than link with mainstream funding.
- 5.5 Notwithstanding any changes to funding or commissioning regimes, the duties of the Police and all Local Authorities under Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) continue:

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can prevent,

a) Crime and disorder in its area (including anti social behaviour and other behaviour adversely affecting the local environment) and,

b) The misuse of drugs, alcohol and other substances in its area.'

5.6 Broader Financial Outlook

The MTFP 2012-16 identifies policing budget gaps totalling £8.5 million over the next three years. Our working assumption is that government grant will continue to reduce in 2016/17, creating a further budget gap of £2.2 million. The total budget gap over the MTFP 2013/17 period is therefore approaching £11 million.

- 5.7 Work to balance the budget for 2013/14 onwards has now focused on collaborative initiatives particularly for organisational support. When the Full Authority met on 28th June it agreed that the full business case for organisational support should be developed for final decision by the Police and Crime Commissioner after 22nd November. However, the Authority also felt that a 'Plan B' should be worked up to balance the budget if, for any reason, the organisational support work was delayed or abandoned. The September Police Authority Finance and Resources Committee has considered this in more detail (see paragraph 9).

Council Tax (Precept)

- 5.8 In February 2012, the Police Authority agreed to include a 2% increase in council tax precept in each of the three forecast years (MTFP 2012/16). The Government's new scheme on the localisation of council tax benefits will reduce the council tax base. Early estimates are that this could cost £0.6 million in reduced precept. While in 2013/14 whilst the scheme settles down, it might be possible to meet this from reserves, from 2014/15 it will increase the budget gap and have to be met from budget reductions. The current Band D council tax is £174.51 and 1% on council tax raises £0.5m. Under the Localism Act 2011, the Government sets a limit on council tax increases. For 2012/13, the limit was set at 4% for Police Authorities. It is hoped that details of the limit will be published at the same time as the Provisional Local Government Finance Settlement (including Police) in late November 2012. If an incoming Police and Crime Commissioner wished to champion a council tax increase in excess of the prescribed limit a referendum would have to be held, with the costs of the referendum borne by the Commissioner. In contrast, if an incoming Commissioner wished to champion, say, no increase in council tax for 2013/14, this would increase the budget gap by £1million annually.

6. IMPLICATIONS

- 6.1 As noted above, as part of the MTFP, the difficult budget settlements in the next few years will be addressed while still trying to preserve 'front-line' resources, especially neighbourhood policing. Many other Authorities are facing similar financial challenges.
- 6.2 Although the successes of CSPs are dependent on effective partnership working and the effective use of mainstream budgets as set out in Crime and Disorder Act some partnerships and key thematic groups working across CSP boundaries have now come to rely upon grant funding to support activity and fund specific posts, rather than link with mainstream funding. Effective planning is required to respond to the likely reduction of these earmarked grants.

7. CONSULTATION

- 7.1 Officers have been working across the Police Authority and Local Authorities to understand better the existing funding streams and the possible implications of any changes to funding or commissioning regimes.

8. NEXT STEPS

- 8.1 An update on the financial information which will be included in the Medium Term Financial Plan 2013-17 has been considered by the Police Authority's Finance and Resources Committee on 5 September 2012. A draft of the full Medium Term Financial Plan for 2013/17 will be presented at the next meeting of the Police Authority's Finance and Resources Committee on 11 October 2012. Further information could be brought to the next meeting of the Panel.

9. BACKGROUND DOCUMENTS

- 9.1 Medium Term Financial Plan 2013/17 – Update, Finance and Resources Committee, 5th September 2012, Cambridgeshire Police Authority <http://www.cambs-pa.gov.uk/meetingDetail.cfm?MeetingId=422>

10. APPENDICES

- 10.1 Appendix 1 – Current Funding for 2012-13.

Current Funding for 2012/13

Funding Streams	Funding Source	Funding Currently given to	2011/12 (£000)	2012/13 (£000)	2013/14 (£000)	
		Cambridgeshire County Council		20		Supports 0.5 fte within the Multi Agency Referral Unit
		Peterborough City Council		20		This funding directly supports one of only two Independent Domestic Violence Advocates for the City. The IDVAs are employed by the City Council but managed within Womens Aid; this arrangement is currently under review as are resourcing levels.
Drug and Alcohol Action Team/Drug Interventions Programme	Home Office					DAAT receives funding from many streams including the NHS. DIP element may cease 31 March 2013.
		Cambridgeshire County Council		116		Committed to a broader Cambridgeshire Drug Treatment contract (3 years April 2012 to March 2015, worth around £2m). Contract provides 3.5 fte drug workers for Cambs.
		Peterborough City Council		205		A new three-year contract for providing adult drug services was commissioned during 2010/11 and commenced on 3rd January 2012 (ending March 2015). The service is based on similar funding arrangements to that of Cambridgeshire with the NTA funding Pooled Treatment Budget amounting to £1.7m per year, supplemented by circa £400k from the PCT. The Drugs Intervention Programme is an integral part of that contract focussing on the Criminal Justice access point to services. The Home Office element comprises around 50% of the total cost attributed to DIP; a reduction would require entire service redesign.
Youth Offending	Home Office	Police Authority passed it on to:-				For youth crime and substance misuse prevention.
		Cambridgeshire County Council		46		Police Authority agreed to 'passport' the 2012/13 funding to the County and Peterborough. A grant agreement is in place which sets out the need for focused activity with clear and measurable outcomes.
		Peterborough City Council		37		
Community Safety Fund (via Local Services Support Grant)	DCLG					Funding stream ends 31 March 2013. A 'New' Community Safety Fund will allocate funds to Commissioners. This funding can be used to commission (contract) services to support crime, drugs and community safety priorities. 2013/14 not yet known, likely to be significantly reduced from prior years.
		Peterborough City council	229	116		In Peterborough a co-located multi-agency Safer Peterborough Team is based within the Council offices. This team delivers the Safer Peterborough Strategic Plan and comprises staff from City Council, Police, Cambs Fire and Rescue, HMP Peterborough. The team's posts are funded by a combination of funding streams and the £116k supports the Council's commitment to that funding. The loss of the £116k would have the capacity to effectively delete the Council's immediate staffing commitment to this team.
		Cambridgeshire County Council	504	255	*	See overleaf
			733	371		
Total				815	?	
		*allocated as shown overleaf:-				

Funding Streams	Funding Source	Funding Currently given to	2011/12 (£000)	2012/13 (£000)	2013/14 (£000)	
		Cambridge CSP		46		Supports various projects including admin support
		East Cambridgeshire CSP		22		Funds (with use of reserves) a Partnership Support Officer 0.6 fte and an ASB Coordinator 0.6 fte.
		Fenland CSP		41		Funds various projects, a CSP Support Officer and a Projects Officer (incl. ASB case management).
		Huntingdonshire CSP		28		Funds an ASB Case Worker post.
		South Cambridgeshire CDRP		20		Part funds 0.4 fte ASB casework and Early Intervention (including intensive support for troubled families).
		Domestic Violence		42		Supports 1.0 fte IDVAS within the Multi Agency Referral Unit, a CSP support officer and projects.
		Integrated Offender Management (via County to Constabulary)		35		Integrated Offender Management Coordinator employed by the force on behalf of county CSP's
		Unallocated		21		Unallocated
				255		

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