

CAMBRIDGESHIRE POLICE AND CRIME PANEL

THURSDAY 7 FEBRUARY 2013, 1.00 PM

Civic Suite - Huntingdonshire District Council

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

AGENDA

	Page No
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meeting held 21 November 2012 and 6 December 2012	1 - 4
4. Rules of Procedure	5 - 24
5. Handling of Complaints Procedure	25 - 52
6. Police and Crime Commissioner's Budget and Precept 2013/14 and Medium Term Financial Strategy 2013/17	53 - 70
7. Agenda Plan	71 - 72

Membership:

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

Independent Co-optees:

Christine Graham
Raja Ali

Officer Support:

Gary Goose and Mike Davey



This page is intentionally left blank



**MINUTES OF A MEETING OF THE SHADOW CAMBRIDGESHIRE AND
PETERBOROUGH POLICE AND CRIME PANEL
HELD AT HUNTINGDONSHIRE DISTRICT COUNCIL
ON 21 NOVEMBER 2012**

Members Present: Councillors Ablewhite, Bick, Curtis, Elsey, Khan, McGuire, Palmer, Shelton, West and Wilkins

Officers Present:

Diane Baker	Peterborough City Council
Liz Bisset	Cambridge City Council
Adrian Chapman	Peterborough City Council
Alex Daynes	Peterborough City Council
Dorothy Gregson	Cambridgeshire Police Authority
Kim Sawyer	Peterborough City Council

1. Apologies for Absence

Apologies were received from Councillor Walsh.

2. Declarations of Interest

Councillor Wilkins declared an interest as a current member of the Police Authority.

Councillor Khan declared an interest as a current member of the Police Authority.

Councillor McGuire declared an interest as his wife was a member of the Police Authority.

3. Minutes of the meeting held 18 October 2012

The minutes of the meeting held on 18 October 2012 were agreed as an accurate record.

It was agreed that an update on action points would be included at future meetings.

4. Co-opted Members

Alex Daynes updated the Panel on the outcome of the recruitment exercise for two independent members. Before the interviews were held with the shortlisted candidates on 19 November, one of the shortlisted candidates had withdrawn his application. Following interviews with the remaining three candidates, the interview panel recommended the appointment of Christine Graham and Raja Ali.

The interview panel members outlined the reasons for the choice of the final two candidates highlighting the skills and experiences they would bring to the Panel.

The Panel **AGREED** that Christine Graham and Raja Ali would become the independent members for the Panel.

5. Process for Confirmation Hearings – presentation and guidance

Kim Sawyer and Diane Baker presented information and guidance to the Panel regarding the processes and procedures for confirmation hearings. It was expected that a Deputy Commissioner would be appointed and therefore the Panel would need to conduct a hearing as its first formal duty in December.

Although formal legislation had not been published by Government, it was still a requirement to hold a confirmation hearing for senior appointments. The Panel suggested it could agree in principle to approve or reject the appointment ahead of formal legislation.

ACTIONS

1. Officers to circulate links to government pre-appointment hearings;
2. Re-send diary invitation for 6 December meeting.

6. Scrutiny of the Police and Crime Plan and Budget - Discussion

Adrian Chapman introduced the item and sought Panel members' views on what would be desirable to see in a draft Crime Plan or financial plan to enable effective scrutiny. The final financial plan or budget was expected in February 2013 and the final Police and Crime Plan was expected in March 2013.

Comments and responses to questions included:

- A process needed to be drawn up leading up to the final budget proposals;
- A summary or guidance would be required with the final document;
- Officers to draw out pertinent points and highlights of each document;
- Would like to see spending proposals that would not be included in the final document, 'those that didn't make it';
- Should see detail of how precept is arrived at;
- Government grant notice was expected on 21 December;
- The Police and Crime Plan could come to the Panel in early March.

ACTIONS

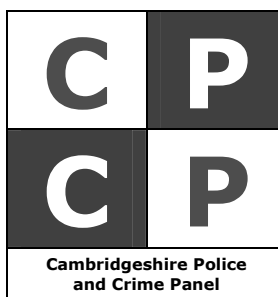
Ensure officers produce highlights of the financial plan.

7. Agenda Plan

The Panel received the agenda plan. It was noted that Councillor Curtis was not able to attend the provisional meeting scheduled for 6 December and notes from any pre-meeting for a confirmation hearing would be circulated to the panel. It was confirmed that the meeting scheduled for 6 December would be held in public should it be needed.

The meeting began at 1.00pm and ended at 2.25pm

CHAIRMAN



MINUTES OF A MEETING OF THE CAMBRIDGESHIRE AND PETERBOROUGH POLICE AND CRIME PANEL CONFIRMATION HEARING HELD AT PETERBOROUGH CITY COUNCIL ON 6 DECEMBER 2012

Members Present: Councillors Ablewhite, Bick, Eley, Khan, McGuire, Palmer, Shelton, Walsh, West and Wilkins.
Christine Graham and Raja Ali

Officers Present: Alex Daynes Peterborough City Council
Lyn Neely Peterborough City Council
Kim Sawyer Peterborough City Council

1. Election of Chairman

Councillor McGuire was nominated and seconded. There were no other nominations.

Resolved: Councillor McGuire is chairman.

2. Election of Vice Chairman

Councillor Walsh was nominated and seconded. There were no other nominations.

Resolved: Councillor Walsh is vice chairman.

3. Apologies for Absence

Apologies were received from Councillor Curtis.

4. Declarations of Interest

Councillor Palmer declared an interest as he was acquainted with the candidate.

5. Notification of Proposed Appointment - Deputy Police and Crime Commissioner

The Police and Crime Commissioner, Sir Graham Bright, introduced the Mr Brian Ashton as the candidate for the position of Deputy Police and Crime Commissioner for Cambridgeshire.

Members of the Panel put questions to the candidate to consider his suitability for the role.

Following questions, the Panel retired to consider its recommendation.

The public section of the meeting began at 2.00pm and ended at 3.10pm

CHAIRMAN

This page is intentionally left blank

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 4
7 FEBRUARY 2013	Public Report

Rules of Procedure

Contact Officer(s) – Gary Goose, Strategic Safer and Stronger Peterborough Manager
Contact Details – 01733 863780, gary.goose@peterborough.gov.uk

REPORT TITLE

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 notes the terms of reference
- (b) the Panel agrees the proposed rules of procedure.

3. TERMS OF REFERENCE

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

4. BACKGROUND

- 4.1 At the meeting of the Shadow Panel on 12 September 2012 the proposed terms of reference and rules of procedure were submitted for comment. The following actions were noted in the minutes from that meeting:

- 1. Revise the Rules of Procedure to enable:
 - a. Election of chairman in June each year (following election);
 - b. Establishment of task and finish groups; and
 - c. Public participation section for each public meeting including questions and answers (including provision for supplementary questions).

- 4.2 These requested procedures have now been added to the rule of procedure accordingly.

5. KEY ISSUES

- 5.1 The requirement for the election of Chairman on an annual basis is contained in paragraph 2 of the Rules of Procedure.
- 5.2 The establishment of sub committees and also of task and finish groups is contained in paragraphs 9 and 10 respectively of the Rules of Procedure.
- 5.3 The involvement of the public in the meetings of the Panel is contained in paragraph 7 of the Rules of Procedure.

6. IMPLICATIONS

- 6.1 There are no further financial or legal implications than previously outlined. However, should

the number of ordinary meetings increase from the proposed four ordinary meetings outlined in paragraph 4 of the Rules of Procedure there would be a further pressure placed on the budget to host support the Panel.

7. CONSULTATION

7.1 N/A.

8. NEXT STEPS

8.1 Should the Rules of Procedure be agreed, these will be used to govern the meetings of the Panel going forward.

8.2 Should any further amendments be requested to specific sections of the Rules of Procedure, these will be amended accordingly and agreed at the next meeting of the Panel with the remaining Rules being deemed approved.

9. BACKGROUND DOCUMENTS

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

9.1 None.

10. APPENDICES

10.1 Terms of Reference (Appendix 1)

10.2 Rules of Procedure (Appendix 2)

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 fulfill 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.

This page is intentionally left blank

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 a 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 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 that 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 receive any questions or petitions from members of the public in accordance with paragraph 7;
6. to consider written and verbal reports from officers and Panel members; and
7. 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 Unless agreed by consensus, 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, councillors 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 Part of the order of business at the meetings shall be designated for community involvement. This time allowed for this section of the meeting shall be 15 minutes. During this part of the meeting there shall be provision for:
- Questions from the public; and
 - The receipt of petitions.

Questions

- 7.3 A question may only be asked if notice has been given by delivering it in writing, by facsimile transmission or by electronic mail to the Secretariat **not later than 12 noon, five working days before the day of the Panel meeting (not including the day of the meeting itself)**. Each question must give the name and address of the questioner and must name or clearly identify the Member to whom it is to be put.
- 7.4 If the Chairman decides that a matter is urgent he or she can allow a question without having received notice, as at paragraph 7.3, provided a copy of the question is delivered to the Secretariat not later than 10am on the day of the meeting. In such circumstances, the Chairman shall have discretion as to the order in which it is presented to the meeting.
- 7.5 No person may submit more than two questions to a Panel meeting and no more than two such questions may be asked on behalf of one organisation.
- 7.6 If the Secretariat feels that a question is:
- (a) not about a matter for which the Panel has a responsibility;
 - (b) illegal, improper, irregular, frivolous or offensive;
 - (c) substantially the same as a question which has been put at a meeting of the Panel in the past six months; or
 - (d) requires the disclosure of confidential or exempt information;
- she/he shall inform the Chairman who will then decide whether or not to allow the question to be put. If the Chairman decides not to allow a question his or her reasons will be recorded in the minutes of the meeting and will not be open to debate.
- 7.7 The Secretariat can edit any question provided the person asking the question is consulted about any alteration. The Secretariat will enter each question in a book open to public inspection and will immediately send a copy of the question to whom it is to be put.

- 7.8 Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
- 7.9 If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- 7.10 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and be directed to clarifying the reply. The Chairman may reject a supplementary question on any of the grounds in paragraph 7.7 above. One minute is allowed for putting a supplementary question.
- 7.11 An answer can take any of the following forms:
- (a) a direct oral answer;
 - (b) a reference to a publicly available document if it answers the question;
 - (c) if it would not be practicable or appropriate to answer a question orally the Member will supply a written answer to the questioner within 7 days.
- 7.12 The person asked the question may refuse to answer but must give his or her reasons for doing so. Two minutes are allowed for answering a supplementary question.
- 7.13 Any questions not fully answered at the end of the allotted period will be answered in writing within 7 days.
- 7.14 A summary of the key points of questions asked on notice and replies given will be produced after each meeting as an annex to the Minutes.

Petitions

- 7.15 Members and residents can present petitions.
- 7.16 Every petition must be polite and must be relevant to the responsibilities of Panel.
- 7.17 The petitioner must say what the petition is about without commenting;
- 7.18 Petitions must contain at least 3 signatures. To present a petition, the Secretariat must receive written notice and the wording of the petition no later than 4 pm on the day before the meeting. No more than two people must present the petition and say what it is about, without commenting. It will be referred to the Secretariat for consideration.
- 7.19 There will be no debate about a petition when it is presented.
- 7.20 A report to the Panel about the action taken on the petition will be made no later than the second Ordinary meeting of the Panel following the meeting when the petition was presented.

General Participation

- 7.21 Any further involvement from the public at the meetings of the Panel will be at the discretion of the Chairman including involvement in any debate and the asking of questions, without prior notice, during the debate on items on the agenda.

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 by 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 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 may 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.

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 5
7 FEBRUARY 2013	Public Report

Report of the Head of Legal Services, Peterborough City Council

Contact Officer(s) – Kim Sawyer

Contact Details – kim.sawyer@peterborough.gov.uk

PROCEDURE FOR THE HANDLING OF COMPLAINTS

1. PURPOSE

- 1.1 This report is to agree the procedure for the handling of complaints made against the Police and Crime Commissioner (PCC).

2. RECOMMENDATIONS

- 2.1 The Panel is recommended to:

1. Agree the delegation for the initial referral of complaints to the Chief Executive of the Police and Crime Panel (subject to the Police and Crime Commissioner accepting that delegation)
2. Determine whether complaints to be dealt with by the Panel are to be
 - (a) dealt with by a single Panel Member or
 - (b) dealt with by a sub-committee;
3. Subject to the decision of the panel, agree that the membership of the sub-committee shall comprise 3 members of the Panel
4. Agree the draft content of the webpage outlining the complaints procedure.

3. TERMS OF REFERENCE

- 3.1 This report fulfils the Panel's function for complaints about conduct matters for the Police and Crime Commissioner and the Deputy Police and Crime Commissioner, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.

4. BACKGROUND

- 4.1 At the meeting of the Shadow Police and Crime Panel held on 18 October 2012, a report was submitted with various options for handling complaints about conduct matters.
- 4.2 The Shadow Panel agreed that the initial sifting of any complaints would preferably be undertaken by the Chief Executive of the Commissioner's office, subject to the Commissioner agreeing to such delegation. It was further agreed that where complaints were referred to the Panel, any informal resolution of complaints might be delegated to a sub-committee of the Panel or a single Panel Member and that the procedures for the handling of complaints would be agreed at the first public meeting.
- 4.3 Regulations regarding the handling of complaints have since been supplemented by guidance from the Local Government Association (appendix 1 to this report), the Home Office (appendix 2) and the Local Government Ombudsman (extracts at appendix 3). This report therefore outlines the high level decisions that the Panel must make in accordance with the Regulations. It is proposed that, subject to agreement with the recommendations, the host authority will work with the Chief Executive of the Commissioner's office to develop the complaints process.
- 4.4 It is noted that 4 options for the handling of complaints are given in the LGA guidance. Following the Panel meeting held in October 2012, it is considered that option 2 meets the

previous instruction of the Panel (see section 5 below).

- 4.5 It is important to note that complaints and conduct matters concerning a PCC or a Deputy PCC that allege criminality must be referred to the Independent Police Complaints Commission (the IPCC). The IPCC will then decide whether the matter requires investigation.

5. KEY ISSUES

Initial sifting of complaints

- 5.1 Members of the Panel are aware that complaints may be received by the Panel which
- (a) Concern the office of the Commissioner or the Deputy Commissioner
 - (b) allege criminal conduct of the Commissioner and Deputy Commissioner
 - (c) concern operational policing
- 5.2 Each of these complaints fall to be dealt with by different authorities and it is therefore important that an initial sift of complaints is undertaken to ensure that a complaint is directed to the appropriate authority. The Panel will deal only with non criminal complaints or matters referred back from the IPCC (paragraph (a) above).
- 5.3 Under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, it is possible for the Panel to delegate the initial sifting of complaints to the Chief Executive of the Commissioners office. It was concluded by the Panel at their shadow meeting in October that that the Chief Executive brings experience of operational policing, dealing with the IPCC and members complaints that would provide an invaluable resource in appropriately sifting complaints under this new process.
- 5.4 Option 2 of the LGA guidance sets out this triage role for the Chief Executive and discusses the benefits and potential conflicts that may arise from such a role.
- 5.5 If the Panel agrees this option the Chief Executive will distribute the complaints to the Panel, the IPCC or the chief constable (or anyone else) as appropriate. This may also include contacting the complainant to request more information or clarification, but it is recommended that this should be solely for the purpose of determining where the complaint ought to be referred.
- 5.6 Given some of the concerns raised at the shadow panel meeting, the Panel might want to consider limiting the period of this delegation. Should the Panel want to be wholly self sufficient in relation to the processing of complaints in future, it must take into account that
- appropriate internal procedures and processes have to be developed for recording complaints
 - suitable officers must be identified to carry out the sifting process (and budget allocated accordingly)
 - officers must be trained in how to identify and sift those complaints, in particular how to deal appropriately with the IPCC
- 5.7 **Recording of complaints**
An important function of the complaints process is to ensure proper recording of all complaints received and to whom they were referred for action. .
- 5.8 Where the initial sifting of complaints is referred to the Chief Executive of the Commissioner, it is proposed that they would also carry out this recording function although this is also to be agreed by the Commissioner.
- 5.9 If delegation of this function is agreed, the Panel still retains responsibility for ensuring that this process is being carried out in accordance with statutory requirements. It is recommended therefore that the Chief Executive would report to Panel, or its sub-committee or the Chair outlining how the complaints have been triaged. The method of recording and the proposals for reporting to the Panel is to be agreed in subsequent discussions with the Chief Executive and

with the consent of the Commissioner.

Resolution of complaints

- 5.10 Once a complaint has been referred to the Panel, it must be dealt with under an informal resolution process. However there are a number of options as to how that informal process is operated and by whom.
- 5.11 Although the LGA guidance indicates that this process can be delegated to the Commissioner's Chief Executive, this would not be in accordance with the discussions of the previous shadow panel and is not recommended to the Panel.
- 5.12 Under the Regulations the Panel can appoint a sub-committee, or an individual from the Panel or a person who is not a member of the panel (for example the Monitoring Officer of the host authority) to secure the informal resolution of the complaint. There was no clear decision from the shadow panel in October as to how they would prefer to operate this delegation, but this report recommends that in the early stages of the process that the Panel ought to consider establishing a complaints sub-committee rather than refer the matter to a single Panel member or officer.
- 5.13 It is further recommended that a minimum of three panel members form the sub-committee: to be chosen from the Panel Members for each meeting (i.e. non-fixed membership). However, a permanent chairman for the sub-committee could be appointed to ensure a level of consistent decision making across all complaint cases. This delegation can be reviewed by the Panel at any time.
- 5.14 Subject to the Panel agreeing the recommendations in this report, it is proposed to develop a comprehensive complaints policy working in consultation with the Commissioner's Chief Executive. A draft web page regarding the complaints process is attached at appendix 4.

6. IMPLICATIONS

- 6.1 **Financial** – Subject to the decisions of the Panel consideration is to be given to funding the potential costs of supporting the complaints process, potential investigation costs, and support officer costs for providing advice to the Panel on the application of the Regulations to any complaints.
- 6.2 **Legal** – this report is written in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and the relevant guidance referred to.

7. NEXT STEPS

- 7.1 Subject to the Panel agreeing the procedure to be followed, officers will put in place the relevant systems to affect the procedures agreed.

8. BACKGROUND DOCUMENTS

- Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985
- 8.1 Local Government Association: Police and Crime Panels, Handling complaints about the Police and Crime Commissioner and their Deputy.
- 8.2 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

9. APPENDICES

- 9.1 Local Government Association: Police and Crime Panels, Handling complaints about the Police and Crime Commissioner and their Deputy.

This page is intentionally left blank

Police and Crime Panels

Handling complaints about the Police and Crime Commissioner and their Deputy



Contents

Introduction	4
Synergy with existing local authority procedures	4
Compatibility with the Local Government Ombudsman (LGO) Advice	5
Key stages in the development of a complaints procedure	5
Functions of the panel	7
Initial complaint handling: what is involved	7
Initial sorting of complaints	
Referral of criminal matters	
Flow diagram	
Summary of a panel's key functions	9
Initial handling of complaints and conduct matters	
Resolution of non-criminal complaints	
Provision and recording of Information	
Role of the Local Government Ombudsman	11
Delegation of functions	12
Options for delegation	12
Option 1: Panel/host authority retains all functions	
Option 2: A 'triage' role for the Chief Executive of the PCC	
Option 3: Making arrangements for securing informal resolution of complaints	
Option 4: Delegation of receipt, triage and resolution activity	
Delegation – some key points to consider	13
Funding delegated panel functions	
Perceptions of independence in the complaints process	
Summary tables of pros and cons of delegation	14

Variable factors affecting a panel’s decision	17
<u>Anticipated number of complaints</u>	
<u>Relationship with the PCC</u>	
<u>Relationship between the PCC and their Chief Executive</u>	
Oversight of delegated functions	18
Operating the procedure	19
Transferring cases between the panel and the IPCC	19
Standard forms and practical arrangements for referral	20
Disapplication of the Regulations	20
Local resolution under Part 4	20
<u>Other guidance which may assist</u>	
Annex	22
LGO information on the features of an effective complaints procedure	22

Status of the guidance

Every attempt has been made to provide a fair picture of the current state of the law, to present an accurate and comprehensive assessment of our interpretation of the provisions of the legislation, and to suggest ways of working to ensure that panels can be effective, and their work proportionate, relevant and timely. However:

This guidance should not be relied upon as giving legal advice; it will be for officers in individual authorities to come to their own decisions, working with councillors, to decide on the right approach.

This guidance should not be interpreted as setting out the view of the Home Office, and the recommendations, suggestions and advice given should not be interpreted as being endorsed or approved by the Home Office.

Introduction

This guidance is to provide advice on how Police and Crime Panels (referred to in this advice as panels) can carry out their statutory responsibilities and delegate some functions to deal with non-criminal complaints about Police and Crime Commissioners (PCCs) or their deputies.

The role of panels in this area is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012¹ (References in this guidance to particular Regulations refer to this legislation). The Home Office has issued a plain English guide to these Regulations² which helps set out what the Regulations mean and their policy intention.

It is important to understand at the outset that complaints and conduct matters concerning a PCC or a Deputy PCC that allege criminality must be referred to the Independent Police Complaints Commission (the IPCC). The IPCC will then decide whether the matter requires investigation. There will therefore need to be movement and transfer of cases between panels and the IPCC. Readers of this guidance will need to consider the advice produced by the IPCC on arrangements for liaison between panels and the IPCC³.

The LGA has liaised with both the Home Office and the IPCC in the production of this guidance. This guidance should be read alongside:

- The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations).
- The Home Office Plain English (non-criminal complaint) Guide to the Regulations.
- A guide produced by the IPCC on the transfer of cases between the panels and the IPCC.

Synergy with existing local authority procedures

The LGA recognise that the host authority for each panel will already have tried and tested procedures for dealing with complaints about the council or councillors. Many of these will be processed informally, and an authority's arrangements for dealing with complaints in this way are likely to be very similar or at least compatible with the processes to be established for resolution of non-criminal complaints about the PCC under Part 4 of the Regulations.

1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 are available on the stationary office website here: <http://www.legislation.gov.uk/ukxi/2012/62/introduction/made>

2 The Home Office Plain English guidance to the Regulations was published on 9 November and is available at <http://www.homeoffice.gov.uk/publications/police/pcc/pcp-complaints-handling-process>

3 The IPCC has issued guidance about the transfer of

cases between the panel and the IPCC; this guidance was circulated by the LGA to host authorities on November 14th 2012 and posted on the LGA K-Hub website on November 16th 2012 at <https://knowledgehub.local.gov.uk/group/policeandcrimepanelsupportandwidernetworkinggroup/activity> Further IPCC advice on dealing with criminal complaints about the PCC, might also follow, but only after they have had some experience of the practical application of the Regulations.

The LGA suggest therefore that where host authorities carry out work on complaints themselves (ie in areas where functions are not delegated) they should if possible use existing in-house systems for dealing with complaints as a model or framework for the creation of PCC complaint procedures.

Existing procedures for the informal resolution of complaints might be used as a consistent basis for establishing compatible procedures, standardised administration arrangements, response times, IT and methods and options for investigation, mediation and resolution.

For the above reasons the following advice is not intended to be prescriptive, and recognises the need to dovetail any new panel complaint procedures with what is already in place and works well locally.

Compatibility with the Local Government Ombudsman (LGO) Advice

The Local Government Ombudsman in England and its equivalent in Wales (the Wales Public Service Ombudsman) has jurisdiction over panels and will deal with complaints about the administrative functions of panels which includes the handling of complaints. Locally established complaints procedures should be drafted or amended in the light of advice from the LGO entitled 'Running a Complaints System'⁴.

Existing local authority complaint procedures should therefore already comply with the LGO advice, and where this is the case, they will provide a good basis for the new

panel procedures for dealing with PCC complaints. However we strongly suggest that panels should also refer to the LGO advice mentioned above when establishing new panel complaint procedures locally.

Key points from the LGO advice have been summarised in the annex to this document for ease of reference. Developing an effective local complaint procedure will be essential to ensure that issues can be resolved quickly and efficiently. Using the LGO guidance as a model will form the foundations of a good complaints procedure and therefore reduce the likelihood of complaints escalating to the level of the Local Government Ombudsman.

Although complainants have a right of appeal to the LGO, it should be noted that local complaints procedures would need to have been followed to their conclusion before there is any possibility of the LGO becoming involved.

The LGO stress that the purpose of a complaints system is to put right what has gone wrong and to learn from it. Clearly in this context dealing with complaints about the PCC can help inform the panel's wider scrutiny work.

Key stages in the development of a complaints procedure

The first stage is to understand the role of the panel and then what options are available for the operation and delegation of its functions (as outlined later in this guidance) and then consider any preferred panel delegation arrangements.

⁴ LGO Guidance on Running a Complaints System see: <http://www.lgo.org.uk/publications/advice-and-guidance#guidance>

Involvement of the chief executive of the PCC and their staff will be important, if the panel wishes to consider delegating certain panel functions to the PCC's monitoring officer. Whilst the panel has powers to delegate, the other organisations potentially affected do not have a legal obligation to accept the delegation.

Discussion and agreement in this area is therefore needed so that all parties agree and understand the arrangements and the scope of what is expected of them and, as far as possible, only notify the panel about matters which relate to the conduct of a relevant office holder (as per Regulation 9(2)).

Having decided and agreed any delegation arrangements, the panel should then identify a contact point for the panel and inform the PCC (as required by Regulation 30) who will then advertise the relevant contact point as specified by the panel. This might be a contact for the chief executive of the PCC if the panel's initial handling function has been delegated to the PCC's monitoring officer.

Such delegation options are discussed later in this guidance, however it is important to note that the panel's key functions will remain with the panel unless they have been delegated.

The IPCC has said it will also need confirmation of the locally determined contact point and arrangements for fulfilling the panel function of recording complaints and conduct matters, so the IPCC can refer any complainants to the relevant point of contact. The IPCC may also need to use this point of contact for liaison about matters of a serious and/or criminal nature which might need to be referred from the panel to them under Regulation 13.

The procedure established locally would then be confirmed in writing to help provide clarity to all concerned.



Functions of the panel

The functions of the panel are set out in several different parts of the Regulations. The general duties of panels are given in part 1 (Regulation 6); recording and receipt is covered in part 2; the key function of 'resolution of other complaints' is detailed in part 4; and requirements in relation to recording of information about complaints are detailed in part 5.

Initial complaint handling: what is involved

One of the main functions of a panel is to act as a central point for collation and recording of all complaints, and to provide a 'gateway' to the procedures for dealing with both non-criminal and criminal complaints about the PCC or the deputy PCC.

The panel (or the relevant monitoring officer if this function has been delegated by the panel) must keep a record of all complaints, purported complaints and conduct matters that they receive, (see Regulation 34). In practice this could be a simple spreadsheet which is held securely and kept regularly updated.

Regulation 9 includes certain requirements for complaints to be sent to the panel, but there are a variety of other routes by which complaints or purported complaints about the PCC or their deputy PCC may reach the panel.

Initial sorting of complaints

The 'post bag' of complaints about the PCC will inevitably include a wide range of items, some of which should be re-directed to other recipients. The panel's role in the initial sorting or 'triage' of all complaints is therefore important.

Some of these complaints may require referral to the chief constable where they are about the delivery of operational policing matters. Other matters in the post bag may actually be disagreements about a particular policy of the PCC and not really complaints; such issues might need to be dealt with sensitively when notifying the complainant and referring the matter back to the PCC for their information.

It is envisaged that these kinds of referral will be common, and standard approaches for dealing with them might be shared with the help of the LGA as panels gain experience and develop good practice in this area.

Other matters may be more difficult to categorise where they consist of a number of interrelated issues, including some with a potentially criminal element.

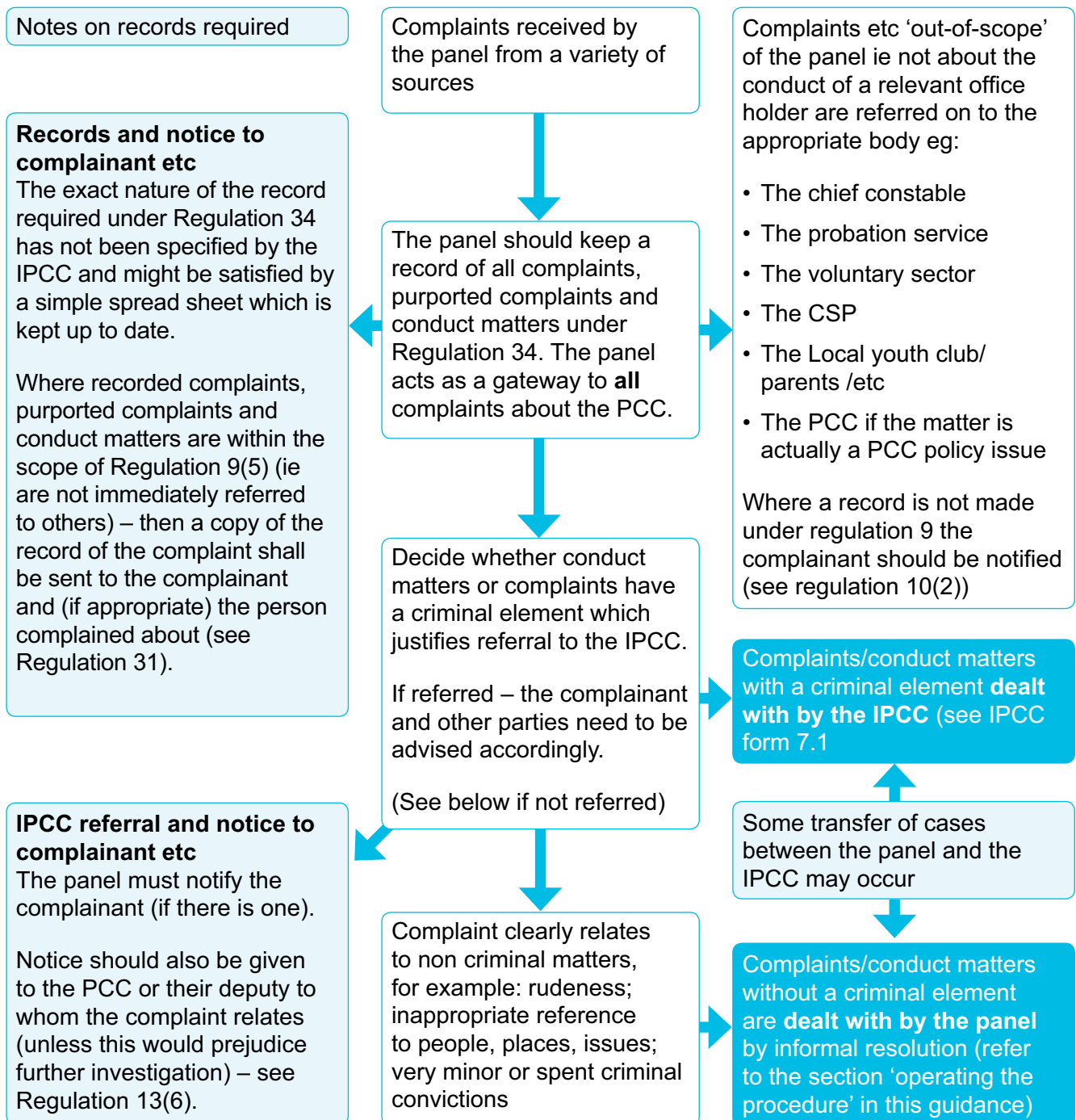
Referral of criminal matters

Complaints or conduct matters that are criminal in nature or have a criminal element must be referred to the IPCC (see later in this guide for details or refer to the Regulations). Complaints or conduct matters that do not meet this threshold should be informally resolved by the panel under part 4 of the Regulations.

It should be noted that the IPCC cannot record conduct matters or complaints. This is the statutory responsibility of the panel. When complaints or conduct matters (with a criminal element) come to the attention of the IPCC, the Commission will refer the matter in the first instance to the panel to be recorded in accordance with the Regulations (Regulation 9(1)).

Flow diagram

The diagram below explains how the initial complaint receipt and triage arrangement would operate in practice.



This key triage/filtration stage can be delegated to the chief executive of the PCC under Regulation 7; or the monitoring officer of the host authority.

Summary of a panel's key functions

The panels' functions for which they are responsible can be summarised as follows:

Initial handling of complaints and conduct matters (part 2 of the Regulations)

When a new complaint is received by the panel, it has to be recorded by the relevant panel unless it is already being dealt with through criminal proceedings. If the panel, relevant office holder, or chief officer of police decides not to record or refer a complaint then they must notify the complainant of the decision to take no action and the grounds for that decision.

A new conduct matter⁵ which comes to the attention of the panel also has to be recorded by the panel. The IPCC can direct the panel to record a conduct matter which has come to its attention.

Where a complaint or conduct matter about the PCC has come to the attention of the panel (or the PCC) they have a duty to obtain and preserve the evidence and comply with any directions from the IPCC.

A serious complaint or a conduct matter must be referred to the IPCC "as soon as is practicable and in any event, not later than the end of the following day when it becomes clear it should be referred" (Regulation 13).

The panel also has to notify the complainant and, if appropriate, the person complained

against that the matter has been referred. The IPCC then has to decide whether or not to investigate or to refer the matter back to the panel to handle. Again the parties, if appropriate, have to be notified of the decision.

If a complaint is being handled by the panel directly and they decide that the complaint should not be dealt with by informal resolution (Part 4) or that the Regulations should not be applied, the panel may handle the complaint in whatever way they see fit. They must notify the complainant of their decision; (the complainant must also be informed of their right to appeal to the Local Government Ombudsman and in Wales the Public Service Ombudsman for Wales).

The panel can decide not to apply the Regulations in certain circumstances. In summary these are where the complaint is an employment issue; it is more than 12 months old; the matter is already the subject of a complaint; is anonymous, vexatious, oppressive or an abuse of the procedures or repetitive. (Regulation 15(2).)

A complaint can be withdrawn or discontinued by a complainant. The relevant parties have to be notified and the fact recorded. If the complaint relates to a conduct matter then the matter may still be investigated under the Regulations if it is in the public interest to do so. Again the parties, if appropriate, have to be notified of any decision.

The PCC must notify the panel of any allegation, investigation or proceedings in relation to their conduct outside England and Wales. In such circumstances the panel can handle the matter in whatever manner they think fit.

⁵ The Police Reform and Social Responsibility Act 2011 provides a broad definition of conduct matters in section 31(1)(b). In relation to the police, a conduct matter is defined by the IPCC as "any matter which is not and has not been subject of a complaint where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify bringing criminal proceedings".

The panel must also nominate a point of contact for the panel to whom cases can be referred. This point of contact may or may not be the panel – dependant on the extent to which the panel's functions as above have been delegated.

Whilst the above arrangements are clearly panel functions, their operational delivery can be delegated. This could be to the host authority's monitoring officer or to the chief executive of the PCC. (Different options for delegation are covered later in this guidance.)

Although awareness about all complaints relating to the PCC and policing matters may provide useful information to assist with a panel's wider scrutiny work, the scope of a panel's activity in dealing with non-criminal complaints about the PCC is much more narrowly drawn. The panel's role in complaint handling and dealing with non-criminal complaints therefore needs to be clearly set out and understood locally to avoid confusion and gradual 'mission creep,' particularly on particular complaints which may have several perhaps interrelated elements.

Resolution of non-criminal complaints (part 4 of the Regulations)

If a complaint concerns the non-criminal conduct of the PCC or their deputy then the panel must make arrangements for the complaint to be subject to informal resolution.

Informal resolution may be conducted by the panel itself, a sub-committee of the panel, a single member of the panel or another person (which cannot be the PCC) appointed by the panel (see Regulation 28(3)). If anyone other than the panel is handling the complaint, provision may be made to refer a complaint back to the full panel (see Regulation 28(5)).

According to Regulation 28(7) a complaint cannot be formally investigated, although requiring the relevant office holder to provide information or documents, or summoning him or her to appear before the panel, does not count as investigation for these purposes.

Other steps designed to gather information about or corroborate the complaint such as taking statements from witnesses or seeking documents from other parties are prohibited.

If the person complained against chooses not to comment, this has to be recorded. The panel cannot offer an apology for the PCC's conduct unless the PCC has admitted the conduct in question and agreed to the apology.

The panel has to keep a record of the outcome of the procedure and copy this to those concerned. Details of the record can be published, but only after the parties have been given an opportunity to make representations, they have been considered and the panel is of the opinion it is in the public interest.

Provision and recording of Information (part 5 of the Regulations)

The panel has to tell the PCC the name and address where complaints are to be sent and the PCC has to publish the information as required by the panel.

After recording a complaint, a copy of that record should be sent by the panel to the complainant concerned with a further copy to the person complained against. Although the copy may be anonymised, or may not be provided, if to do so might prejudice a criminal investigation or proceedings, or would be contrary to the public interest. Any such decision must be kept under review.



All records have to be kept by the panel as required by the Regulations. The panel has to keep records of every complaint and purported complaint that is made to it, every conduct matter recorded by it and every exercise of a power or performance of a duty under the regulations.

The panel has a duty to provide the IPCC with any information, documents or evidence that it requires, in the form and time specified. The panel also has to allow the IPCC access to premises either in relation to an investigation or so that the IPCC can examine the efficiency and effectiveness of the arrangements for handling complaints. (Equivalent powers exist in relation to the investigation of complaints by the LGO.)

Complainants and any persons complained about should be sent a copy of any resolution (see regulation 28(12)).

Role of the Local Government Ombudsman

If at any stage there is a complaint about the way in which the panel has carried out or delegated the above functions, the matter can be referred to the LGO, provided that the matter has been subject to local complaint procedures which have been exhausted.

Delegation of functions

Although the panel's responsibilities are set out in the Regulations as summarised above, the Regulations also allow panels to delegate some of this work to sub-groups, other bodies or individuals including the host authority monitoring officer and the chief executive of the PCC.

The Regulations need to be read alongside the Home Office Guidance to understand the range of different options for delegation available. To improve clarity these are set out below:

Options for delegation

Option 1: Panel/host authority retains all functions

The panel does not have to delegate anything under parts 2, 4 and 5 of the Regulations. It should be noted that if this is the preferred option, the panel will need to satisfy itself that it is able to record complaints and conduct matters and refer these to the IPCC as required by the Regulations.

Variations on option 1

A: Delegation of initial handling and/or resolution to a sub-committee of the panel or a particular person on the panel.

B: Delegation of initial complaint handling and/or resolution to the monitoring officer of the host authority under local government legislation (the 1972 Act).

Option 2: A 'triage' role for the chief executive of the PCC (delegation of receipt, and initial handling and recording functions of the panel)

Regulation 7 allows the panel to delegate initial receipt of complaints to the chief executive of the PCC (in their role as monitoring officer) who will then distribute the complaints to the panel, the IPCC or the chief constable (or anyone else) as appropriate.

The 'triage' work in question would involve an element of investigation to gather sufficient information to be able to decide under Regulation 13 which is the appropriate body to deal with the complaint. This may involve for example contacting the complainant to request more information or clarification, which might help determine whether or not the complaint was a serious complaint.

Option 3: Making arrangements for securing informal resolution of complaints

Regulation 28 requires a panel to make arrangements to secure the informal resolution of complaints, although responsibility for securing resolution cannot be delegated.

Variations on option 3

The arrangements a panel can make include the ability to appoint a sub-committee of the panel, or an individual from the panel or a person who is not a member of the panel to secure the informal resolution.

This could be for example a private mediation company, social enterprise or voluntary organisation, or the chief executive of the PCC, or a local authority officer.

Option 4: Delegation of receipt, triage and resolution activity

A panel could also combine options 2 and 3 above, eg it could delegate the initial triage role to the chief executive of the PCC, and responsibility for securing the informal resolution of complaints to one of the bodies set out in option 3 above (which could include the chief executive of the PCC).

Delegation – some key points to consider

Funding delegated panel functions

It should be noted that neither the Regulations nor the Home Office guidance state who, in the event of certain panel functions being delegated, should pay for the work involved. This would presumably be a matter of local discussion and determination. In this context it should be noted that the chief executive of the PCC (or anyone else to whom the panel might wish to delegate functions) are not under a duty to accept such delegation.

Perceptions of independence in the complaints process

It should be noted that members of the public might view the complaints process as not sufficiently independent where the panel has delegated certain functions to the chief executive of the PCC in their monitoring officer role.

There are however a number of factors which might provide reassurance on this point, and might mean that delegation to the monitoring officer of the PCC as described above could make a lot of sense from the panel's perspective, given the limited resources it will have available:

- Regulation 13(1-3) requires cases which are actually serious and criminal in nature to be investigated by the IPCC – these must be referred. If later investigation revealed that obviously criminal matters were not referred, the chief executive would have been contravening the Regulations.
- The panel should introduce procedures to monitor any 'triage of complaints' where this aspect of complaint handling has been delegated to check that part 4 complaints are sifted in a fair and transparent way and are not for example lost in the system.
- If a complaint is made to a PCC about their own conduct, the PCC has to inform the panel (under Regulation 9(4)). If the chief executive of the PCC consults with the PCC but then does not refer complaints about the PCC to the panel, they would be contravening the PCC's duty to notify the panel under Regulation 9(4).
- The PCC or other relevant officer cannot deal with complaints about themselves – this is prohibited under Regulation 7(2).
- An additional safeguard is the ability of the IPCC to compel the panel to record and refer a particular matter if it considers it is in the public interest to do so.
- The Home Office does not consider that such a role for the chief executive of the PCC represents a conflict of interest. They point out that many organisations have satisfactory procedures for dealing with complaints on an in-house basis.

Summary tables of pros and cons of delegation

This guidance does not seek to determine what the most appropriate approach is, and to some extent this will only be determined in the light of experience of operating the system for a period of time.

In deciding and reviewing the best approach it is suggested that the following key points summarised in the tables below should be considered:

Option 1: Panel/host authority keeps all functions

Panel handles all complaints including all elements of receipt, 'triage' investigation as necessary and resolution

<p>Advantages</p>	<p>Allows access to all information in the incoming 'complaint postbag', which may be useful in providing the panel with a better overview of issues and could help inform the panel's wider scrutiny work.</p> <p>Makes it easier for the panel to properly supervise the handling of complaints.</p> <p>Generally avoids issues related to the potential conflict of interest if complaints were dealt with by the chief executive of the PCC.</p> <p>Provides reassurance to the public that there is no bias in complaint handling or skewed presentation of data about complaints received about the PCC (who might wish to suppress data which indicates their unpopularity).</p>
<p>Disadvantages</p>	<p>The panel must be able to comply with its obligations to record and effectively refer matters to the IPCC (careful thought might have to be given to whether this can be achieved without undue delay caused by the need to arrange extra formal panel meetings). The IPCC suggest that it would be helpful for arrangements to be in place such that serious incidents can be recorded and referred outside normal office hours.</p> <p>The number and complexity of incoming complaints is an unknown at this stage. As a result it is difficult to gauge how demanding this would be on panel and local authority resources in terms of the staff and associated training which might be necessary.</p> <p>No extra money is available for host authorities if they decided to handle all complaints.</p> <p>Distraction from the main business and purpose of the panel because of the time involved in actually dealing with complaints.</p>

Variations on option 1

A: Delegation of initial complaint handling and/or resolution to a sub-committee of the panel or a particular person on the panel who would in either case report back to the full panel as necessary.

B: Delegation of initial complaint handling and/or resolution to the monitoring officer of the host authority under local government legislation (the 1972 Local Government Act).

Both options A and B would have the advantage of avoiding the need for a formal panel meeting to record and refer matters and the delay this could cause. Other advantages include flexibility, specialisation and avoiding possible concerns about bias and lack of independence which might be associated with involvement of the chief executive of the PCC.

Option 2: A 'triage' role for the chief executive of the PCC in their role as the monitoring officer of the PCC who acts as an initial filter of received complaints (ie delegation of receipt, and the initial handling and recording functions of the panel).

Advantages	<p>The PCC is bound to be an obvious point of contact for complaints from the public about a wide variety of policing matters – even if alternative contact points are advertised. The chief executive of the PCC might therefore be natural focus for collation and sorting of these complaints.</p> <p>The chief executive of the PCC may be able to draw on relevant legal expertise more easily than the local authority.</p> <p>This arrangement would strengthen any argument that the costs of carrying out the work should fall on the PCC – rather than the host authority, although getting any agreement on the PCC picking up the cost would have to be agreed locally.</p> <p>It might also be argued that the PCC chief executive could be more independent than the panel from a political perspective.</p> <p>Discussion on the complaint handling statistics provided by the PCC could be a useful 'standing item' to promote liaison and discussion when the PCC attends at panel meetings.</p>
Disadvantages	<p>A robust additional procedure would need to be put in place to ensure that complaints about the PCC or their deputy were being properly handled.</p> <p>Even with robust procedures as above in place, it might be hard to convince the public that there is an independent process in place for dealing with complaints about the PCC.</p>

Option 3: Making arrangements for securing informal resolution

Regulation 28 allows a panel to appoint a sub-committee or an individual from the panel or a person who is not a member of the panel to secure informal resolution of complaints. This table assumes that the **chief executive of the PCC** is appointed under Regulation 28 to secure resolution of non-criminal complaints.

<p>Advantages</p>	<ul style="list-style-type: none"> • This arrangement would help the panel to concentrate on its main role of scrutinising and reviewing the decisions made by the PCC. • The chief executive of the PCC might have more resources available in terms of dedicated staff to investigate such matters. • Complaints about the PCC might arrive in batches which would require considerable input to investigate and resolve. It may be easier for the chief executive of the PCC and their staff to respond and re-direct staff to investigate cases where there are unpredictable fluctuations in workload. • This arrangement would support arguments that the costs of dealing with particularly time consuming cases should not fall to the host authority, but instead should rest with the office of the PCC particularly where the actions of the PCC may have in effect generated some of the complaints. • Discussion on the complaint resolutions carried out by the PCC could be a useful 'standing item' to promote liaison and discussion when the PCC attends at panel meetings.
<p>Disadvantages</p>	<ul style="list-style-type: none"> • A robust additional procedure would need to be put in place for the panel to be satisfied that informal resolution of complaints was being secured in a satisfactory manner, and that where necessary matters would be referred back to the panel. • Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC might be difficult.

Variations on option 3

As suggested above, options might include the appointment of a particular person or body outside the panel to secure the informal resolution of complaints. This might include a private company or perhaps a social enterprise or voluntary group specialising in mediation or complaint resolution.

These options would have advantages of avoiding any perception of bias, and they may provide effective routes to resolution. In the case of private companies however they would of course need to be funded to carry out the work.

Option 4: Delegation of receipt, triage and resolution activity

A panel could also combine delegation of options 2 and 3 above by delegation of the initial triage role to the chief executive of the PCC and then appointment of a sub-committee, panel member or other individual to secure informal resolution of a complaint.

Advantages	<ul style="list-style-type: none">• This arrangement would enable the panel to fully concentrate on its main role of scrutinising and reviewing the decisions made by the PCC.• The chief executive of the PCC may be able to draw on relevant legal expertise more easily than the local authority.• This arrangement would strengthen any argument that the costs of carrying out this work might fall on the PCC – rather than the host authority.• If there is a good PCC/panel route for communication – the complaint statistics provided by the PCC could be a useful focus and catalyst for discussions when the PCC attends panel meetings.
Disadvantages	<ul style="list-style-type: none">• Robust additional procedures would be needed for the panel to be satisfied that complaint handling and informal resolution of complaints were being dealt with in a satisfactory manner, and that where necessary matters would be referred to the IPCC rather than being dealt with informally.• Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC would be more difficult.

Variable factors affecting a panel's decision

In addition to the above considerations, there are a range of variable factors which might affect the panel's decision to delegate to the PCC's chief executive, including:

Anticipated number of complaints

Clearly the likely number of complaints will be one of the factors which will influence the balance of advantages and disadvantages outlined above. The level of complaints may be difficult to estimate as it will depend on a number of unforeseen variables such as:

- the PCC (and their deputy) and how controversial they and their plans are
- local medial coverage
- controversial issues locally
- how well the complaints arrangements are advertised.

Relationship with the PCC

The relationship with the PCC might affect how important it is to be seen to be independent in handling and referring complaints and conduct matters.

Relationship between the PCC and their Chief Executive

Issues about the independence of the process might be raised if the chief executive of the PCC appears to be too close to their PCC. This might trigger questions about whether complaints can be handled impartially at the filtration stage, particularly if the panel's informal resolution work has also been delegated.

Oversight of delegated functions

Where the delivery of certain panel functions has been delegated to others, the panel will still retain responsibility to check and be assured that the panel functions concerned are being delivered properly. In practice it is suggested that this will mean some kind of dip sampling of the records kept by the chief executive of the PCC, and appropriate follow-up of a selected number of cases.

It is not possible to stipulate precisely the percentage of spot check and case study reviews a panel should undertake. This would depend partially on the level of confidence which the panel builds up in the delivery of the delegated work over time.

It is suggested that the frequency of review might reasonably be pitched high to start with, until some markers for the level of confidence the panel might have can be established which will justify the frequency being reduced. It is suggested that in any event some review and check of complaint handling should remain a regular feature of panel meetings. This could also form part of the panel's wider intelligence gathering about the PCC activities and any associated matters which may need to be scrutinised.

Depending on how often the panel meets, more frequent sub group meetings might be considered to review and monitor delegated complaint handling arrangements.



Operating the procedure

Transferring cases between the panel and the IPCC

After recording a complaint or conduct matter, there may be movement of cases between the panel and the IPCC (clearly in this context, where panel functions are delegated, reference to the panel should be read as meaning whoever the function has been delegated to).

Transfer of cases to the IPCC would most often occur during the initial complaint handling stage, but it may happen later in the process where further information comes to light which results in re-classification of the case.

It will often be clear whether a case includes criminal related conduct elements which will mean referral to the IPCC, but in other situations it may be less obvious. Whilst it might be desirable to seek legal advice to help decide in particular cases, time and resources may preclude this, and it is envisaged that in cases of doubt the panel would refer to (or at least seek advice from) the IPCC.

Similarly the IPCC may send cases back to the panel to resolve informally under Part 4 of the Regulations. Although the panel should only deal with complaints about the PCC which are non-criminal, the panel could be called upon to resolve some matters which may have criminal elements but are judged by the IPCC to be below the threshold of what they can deal with. Examples of these kinds of matters might include spent criminal convictions, minor parking or speeding offences and suchlike.

Whilst the panel will need to accept and deal with these sorts of referrals, the LGA suggest that the panel will need to challenge referrals of this type where the IPCC's assessment might have been incorrect, and it appears that the matter would in fact involve the panel undertaking significant elements of criminal investigation.

It should also be noted that the IPCC has a 'call in' power which a panel must comply with; where a recorded matter which the panel is dealing with is transferred to the IPCC if they request.

Standard forms and practical arrangements for referral

Where cases need to be referred to the IPCC, the Regulations stipulate that this must be as soon as practicable but, in any event, no later than the end of the day following the day on which it first becomes clear to the panel that either the complaint or conduct matter must be referred or the IPCC notifies the panel it requires the matter to be referred to it.

IPCC form 7.1 should be used for making referrals to the IPCC. A copy of this form, associated IPCC contact details and IPCC guidance on the practicalities of transfer of complaints have been circulated by the LGA to host authorities.

Disapplication of the Regulations

Where the complaint has been correctly assigned for the panel to deal with, but the complaint falls into various specified categories set out in the Regulation 15(2), the panel may decide not to take any action. The kinds of issues which might fall within this category are matters which are older than 12 months, vexatious, anonymous or repetitious. The complainant should be notified if the Regulations are disapplied.

Local resolution under Part 4

Clarity is needed about what exactly resolution might look like.

Some local authorities' own complaints arrangements may provide good models for dealing with complaints informally. The LGA would be willing to assist in sharing good practice in this area.

In determining what local resolution might involve, it should be noted that Regulation 28(7) precludes investigation designed to gather information about or corroborate the complaint such as taking statements from witnesses or seeking documents from other parties⁶.

The current complaints system for police officers suggests that the term 'informal resolution' is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant. The system states that:

'Local resolution can be a proportionate, timely and effective way of resolving many complaints. It is a simple and flexible way for people to tell the police what happened and find out why it happened. The complainant's acceptance of the outcome should be the objective of any local resolution process.'

Local resolution is not a disciplinary process. It will not lead to any disciplinary proceedings against a police officer or member of police staff and the complaint will be closed after the process has been completed. This does not however prevent a manager from taking management action if appropriate.'

⁶ The Home Office Guide to the Regulations may assist further on this point

The IPCC Statutory Guidance to the police service (Pursuant to Section 22 Police Reform Act 2002) includes some references (for example on pages 79–80 which is reproduced below) on informally dealing with complaints which might also be worth considering⁷.

‘Local resolution is a flexible process that may be adapted to the needs of the complainant and the individual complaint. The important point is that a complainant is clear how it will work for him or her and is in agreement with the steps to be taken to resolve the complaint. Local resolution may include:

- resolution over the counter or by telephone after the complaint has been recorded
- providing information
- an apology on behalf of the appropriate authority (see paragraphs 450-453, page 119, for more information on apologies)
- concluding the matter through correspondence explaining the circumstances
- individual communication between the complainant and the person complained about, via the manager handling the complaint
- an apology made by the manager or the professional standards department on behalf of an individual (who has to have admitted the conduct and agreed to make an apology)
- a face to face meeting between the complainant and the person complained about, mediated by the manager handling the complaint or by another person agreed by all parties.’

Under Regulation 28(6) the Home Office may approve procedures for dealing with complaints under part 4; it is unlikely that they would specifically approve individual procedures, however they have stated in their guidance what they would not approve (see page 8 of the Home Office Guide referred to in footnote 6).

Other guidance which may assist

- The ACAS website has some guides on mediation and arbitration in the context of an employer/employee related relationship – see <http://www.acas.org.uk/index.aspx?articleid=1680> – this includes some basic background information on mediation and the stages involved.
- The Civil Mediation Council (<http://www.civilmediation.org/>) has a brief explanation of mediation and what it involves along with a list of registered mediation services providers.
- The Chartered Institute of Arbitrators (<http://www.arbitrators.org/>) is a membership body for those involved in alternative dispute resolution, and also provides training courses and qualifications.
- There are likely to be a range of local mediation services that could provide services or training.

⁷ The IPCC Guidance can be accessed here <http://www.ipcc.gov.uk/en/Pages/default.aspx>

Annex

LGO information on the features of an effective complaints procedure

Principles for effective complaint handling

Accessibility

Communication

Timeliness

Fairness

Credibility

Accountability

Features of an effective complaints procedure

Accessibility: It is well publicised. It is easily accessed and understood, by staff and by the public.

Communication: It includes early direct contact with the person making the complaint and continued contact through the complaints process. There is effective communication between council staff and between the council and its partners regarding complaints. There is effective communication where the complaint involves more than one body. There is an effective recording and feedback loop so that improvements can be made.

Timeliness: It takes no longer than 12 weeks from receipt to resolution.

Fairness: It is clear about roles and responsibilities. Complaints are dealt with in an open-minded and impartial way. Responses are proportionate; one size does not fit all.

Credibility: It is managed by someone who can take an overview and can implement changes in the complaints system. It includes a robust review by someone who has the independence and authority to ask questions, get at the facts and recommend changes in response to complaints.

There is effective leadership that ensures that the complaints system and learning from it has a high profile across the council.

Accountability: Information is provided in a clear and open way and is properly managed. There is follow-up to ensure any decisions are properly and promptly implemented. There is regular monitoring to ensure timescales and satisfaction levels are met. There is periodic review of the process, to keep it up to date and keep the public informed.

The purpose of a complaints system is to put right what has gone wrong and to learn from it.



Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, December 2012

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 6
7 FEBRUARY 2013	Public Report

Report from the Office of the Police and Crime Commissioner

Contact Officer(s) – John Hummersone, Chief Finance Officer
Contact Details – cambs-pcc@cambs.pnn.police.uk 0300 333 3456

BUDGET AND PRECEPT 2013/14 AND MEDIUM TERM FINANCIAL STRATEGY 2013/17

1. PURPOSE

- 1.1 To notify the Police and Crime Panel of the Police and Crime Commissioner’s proposed budget and precept to enable the Panel to review the proposed precept.

2. RECOMMENDATIONS

- 2.1 The Police and Crime Panel is recommended to review and make a report to the Commissioner on the proposed precept.

3. TERMS OF REFERENCE

- 3.1 Under the Police Reform and Social Responsibility Act 2011 and the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, the Commissioner must notify the Panel of the precept which the Commissioner is proposing to issue for the financial year by 1 February. The Panel must review the proposed precept notified to it by 8 February.

4. BACKGROUND

- 4.1 Cambridgeshire Constabulary has been judged to be performing well on crime reduction and public confidence. The Commissioner wishes to support the Chief Constable and the Constabulary as a whole by ensuring they have the necessary resources to maintain and enhance effective policing across Cambridgeshire.
- 4.2 The budget will enable delivery of the Commissioner’s Police and Crime Plan. The Commissioner intends to build on the Local Policing Plan 2012-15 in order to formulate the Police and Crime Plan 2013-16. This approach will build on previous good work and provide a solid platform and direction for further development and update through the year.
- 4.3 The Plan will incorporate the Commissioner’s priorities for ensuring efficiency and effectiveness in policing and tackling crime based on the issues of importance to the public. The Plan will reflect the Constabulary’s latest strategic assessment, the implications of the budget and precept 2013/14 and the Medium Term Financial Strategy, as well as the wider crime role and other functions of the Commissioner.
- 4.4 The Police Authority had included a 2% council tax increase assumption in its forward planning, below the rate of inflation. The Consumer Prices Index increase to September 2012 was 2.2% and the basic state pension will increase by 2.5% in April.

5. KEY ISSUES

- 5.1 The proposal would increase by ten the number of local policing constables since his election and keep the rise below the 2.7 per cent headline rate of inflation despite a 1.6 per cent

decrease in Government grant.

5.2 The proposed precept is £45.544m to be levied on the collection authorities and to be received in ten equal instalments in accordance with the 'fall-back' provisions of the Local Authorities (Funds) (England) (Amendment) Regulations 1995. This equates to a Band D Council Tax of £177.93 (1.96% increase, or six pence per week for a Band D). The full budget is presented in the attached report.

5.3 The Panel is recommended to review the proposed precept in the context of ensuring continued and sustainable effectiveness and efficiency in policing in Cambridgeshire.

6. IMPLICATIONS

6.1 The budget and Medium Term Financial Strategy presented to the Panel is balanced for 2013/14. If accepted, the precept will ensure a £131.6m budget for policing in 2013/14. This will allow the Commissioner, in the Police and Crime Plan, to build on the achievements driven by the existing Policing Plan. It would increase by ten the number of local policing constables since the Commissioner's election.

7. CONSULTATION

7.1 During the election campaign members of the public told the Commissioner that they want to see officers out on the streets. Informed by his work during the election campaign the Commissioner believes that this 1.96% increase balances the public's expectations of police visibility with the affordability of a below inflation precept rise.

8. NEXT STEPS

8.1 The Panel must make a report to the Commissioner on the proposed precept. The report may include recommendations, including recommendations as to the precept that should be issued for the financial year.

8.2 The Panel may, having reviewed the proposed precept, veto the proposed precept. The Police Reform and Social Responsibility Act 2011 and the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 set out the steps to be taken in these circumstances. The Commissioner would need to submit a revised precept by 15 February, for review by the Panel by 22 February. The statutory timetable has been established to allow the precept to be settled by the end of February. This would set a challenging timetable for the billing authorities. The Panel has a provisional meeting set for 21 February should it be needed.

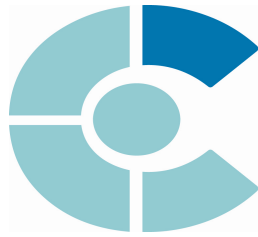
8.3 The Commissioner must publish the Police and Crime Plan by 31 March. The draft plan must be sent to the Panel and the Panel's schedule of meetings in March accommodates this timetable.

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 Budget and Precept 2013/14 and Medium Term Financial Strategy 2013/17.



BUDGET AND PRECEPT 2013/14 AND MEDIUM TERM FINANCIAL STRATEGY 2013/17

1. Police and Crime Plan

- 1.1. The budget enables delivery of the Commissioner's Police and Crime Plan. The Police Reform and Social Responsibility Act 2011 places a responsibility on Police and Crime Commissioners to issue a Police and Crime Plan within the financial year they are elected i.e. by 31 March 2013. The Commissioner must keep the Plan under review and may vary it at any time.
- 1.2. The Commissioner intends to develop the Local Policing Plan 2012-15 in order to formulate the Police and Crime Plan 2013-16. This approach will build on previous good work and provide a solid platform for further development and updates through the year.
- 1.3. The updated Plan will incorporate the Commissioner's objectives for ensuring efficiency and effectiveness in policing and tackling crime, based on the issues of importance to the public (e.g. fighting anti-social behaviour, burglary and timely response to telephone calls). The Plan will also be updated to reflect the Constabulary's latest strategic assessment and risk matrix, the implications of the 2013/14 budget and medium term financial strategy. It will also reflect the Commissioner's wider crime role and other functions.
- 1.4. Commissioners must consult Chief Constables on their draft plans before they are sent to the Police and Crime Panel for consideration. Commissioners 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.
- 1.5. The Commissioner, although only briefly in post, finds the Constabulary to be performing well on both crime reduction and public confidence. He wishes to ensure that this success is maintained and that the Chief Constable has the necessary resources to continue the improvement.

2. Budget and Medium Term Financial Strategy Development

- 2.1 During the autumn the outgoing Police Authority oversaw work to update the 2012/16 Medium Term Financial Plan. This Plan included a 2% increase in council tax assumption and at that stage the budget gap for 2013/14 was estimated at £2.8m.
- 2.2 Anxious to leave the finances in good order, the Police Authority asked the Chief Constable to identify a 'Plan B' for balancing the budget if, for any reason, work on the externalisation of Organisational Support was delayed.

- 2.3 Appendix 1 sets out the updated 2013/17 Medium Term Financial Strategy (MTFS) including the 2013/14 budget which is based on detailed budget work undertaken by the Constabulary over the last couple of months. **PLEASE NOTE** that the figures in the 2013/14 Budget column reflect collaboration of additional functions and are therefore not directly comparable with the 2012/13 Budget figures.
- 2.4 Appendix 2 sets out the assumptions underpinning the budget and MTFS.
- 2.5 Appendix 3 sets out the details of the Provisional Grant Settlement for 2013/14.
- 2.6 Table 1 below sets out in broad terms how the budget has been balanced and Table 2 shows a high level analysis of the total budget.

Table 1 – Budget changes 2012/13 to 2013/14

	£m	% change
Budget 2012/13	127.6	
Base pressures (including pay awards, increments, employer's pension and NI costs, inflation)	2.9	2.20%
Neighbourhood Policing Grant (PCSOs) rolled into Formula Grant	3.6	2.80%
2012/13 deferred savings financed from reserves (one year only)	1.2	0.90%
Less:		
Savings and efficiencies (note)	-3.7	-3.10%
Net Budget Requirement 2013/14	131.6	2.90%
Note	£m	
Police Staff	0.3	
Training	1.1	
Supplies & Services	0.6	
Air Support	0.5	
Collaboration	0.3	
Capital Financing	0.2	
Ill-health Pensions	0.5	
Other savings & efficiencies	0.2	
Total savings & efficiencies	3.7	

Table 2 – High Level Budget Analysis

	£000	
Policing Budget - delegated to the Chief Constable	127,261	97%
Office of the Police and Crime Commissioner (OPCC)	866	1%
Community Safety/Crime Reduction Grants (OPCC)	928	1%
Capital Financing	2,679	2%
Use of Reserves (Collection Funds deficit)	-155	0%
Net Budget Requirement	131,579	100%

3. Council Tax Base, Collection Funds

- 3.1 Final council tax base figures and details of estimated losses/surpluses on collection funds as at 31 March 2013 have now been received. Net losses on collection funds are estimated at £155k and will be financed from the General Reserve (see Appendix 7). Compared to 2012/13 the council tax base for 2013/14 has increased by 1.4% after allowing for receipt of Council Tax Support Grant. In broad terms this means that the effect of the introduction of Council Tax Support Schemes (replacing Council Tax Benefit Schemes) has been cash neutral for the Commissioner.

4. Precept

- 4.1 Careful consideration has been given to the pros and cons of accepting the 2013/14 Council Tax freeze grant. Cambridgeshire Police Authority accepted a freeze grant, equivalent to a 2.5% council tax increase in 2011/12. This grant, £1.2m, is expected to end in 2014/15.
- 4.2 If the Commissioner was to accept a further freeze grant for 2013/14 (payable for 2 years) this would lead to a steep “cliff edge” reduction to funding of approximately £1.7m (in 2015/16), requiring a dramatic decrease in services or increase in precept to balance the budget. Cambridgeshire’s spending on policing is one of the lowest in the country; a dramatic decrease in budget could have a profound impact on the performance of policing in Cambridgeshire. However it is recognised that accepting the freeze grant would reduce costs for local residents, when the impacts of the current economic climate are being felt. During the election campaign the Commissioner had stated he would ensure value for money.
- 4.3 The Consumer Prices Index increase to Sept 2012 was 2.2% and the basic state pension will increase by 2.5% in April. The Police Authority had included a 2% council tax increase assumption in its forward planning, below the rate of inflation. It should also be noted that the council tax freeze grant for 2013/14 is equivalent to the sum raised by a 1% increase in council tax. Acceptance of the freeze grant would therefore have required an additional £500k in recurring savings to be found.
- 4.4 The Commissioner therefore proposed to reject the council tax freeze grant and increase the council tax by 1.96% from £174.51 per annum to £177.93, an additional 6 pence per week at Band D. This will provide some mitigation against the 1.6% reduction in government grant, thereby protecting services.
- 4.5 Informed by his work during the election campaign the Commissioner believes that this 1.96% increase balances the public’s expectations of police visibility with the affordability of a below inflation precept rise.
- 4.6 Details of the precepts due from each collection authority net of any loss or surplus on the collection funds are set out at Appendix 6.

5. Workforce

- 5.1 At the beginning of the 2012/13 financial year the budgeted number of Police Officer posts was 1,370, including 12 senior officers expected to retire in year and other senior posts which were due to be reduced following Operation Redesign. 1,011 Police Constable posts were funded in the 2012 /13 budget. Collaboration reduced

the requirement for constables within collaborated functions; this allowed both the realisation of savings and the transfer of some officers back to local policing. The constable establishment was reduced in year to 1,002 to accommodate required savings from collaborated units.

- 5.2 There are plans to increase by 10 the number of constables in local policing during 2013/14 compared to historic planning assumptions of constable numbers. Constable numbers will be maintained with planned intakes of new recruits during the remainder of 2012 and during 2013/14.
- 5.3 As at January 2013, 179 PCSOs are employed. It is planned to reduce the establishment to 180 (from 195) from April 2013.
- 5.4 The budgeted number of Police Staff will reduce slightly (to 834 full time equivalents) and the recruitment freeze remains in place, although a contingency budget has been put in place to recruit additional staff to support call handling, if the current improvement in service cannot be maintained and public confidence in this service remains low.
- 5.5 The current police officer workforce plans are shown in Appendix 4.

6. Capital Financing

- 6.1 The Commissioner wishes to ensure that from 1 April 2013 the Capital Programme can be fully funded without external borrowing. In the future, capital spending will be financed by increased revenue contributions, unless the capital investment is to support structural investment for longer term transformational change.
- 6.2 The decision to minimise borrowing to finance the Capital Programme has meant even greater scrutiny of capital investment and additional work to develop more sophisticated cash flow projections and review of the financing of existing schemes.
- 6.3 The policy of the former Police Authority was to use borrowing to finance the capital programme and there are legacy schemes which may require historically agreed borrowing to be drawn down. Work is in hand to quantify the effects of this new policy. The Capital Programme 2013/17 has been agreed and the revenue effects of the Programme are included in the budget and the MTFS.
- 6.4 The above will require additional work on a new Treasury Management Strategy (and Prudential Indicators) but in the CFO's view any subsequent effect on the revenue budget is likely to be small. Appropriate budget adjustments will be made before the 1 April 2013.

7. Community Safety Grants

- 7.1 The Government has established a Community Safety Fund for 2013/14, and from it has allocated funding to Police and Crime Commissioners (instead of local authorities).
- 7.2 It had been expected that the allocation for 2013/14 would reduce by 50% and plans were being made on that basis. When the figures were announced in December 2012, the Commissioner's allocation was £928k. Final confirmation is awaited from the Home Office as to precisely which funding streams are deemed included in the grant. Additional cost pressures are still emerging.

- 7.3 Total Community Safety related historical funding (in 2012/13) was £1.2m (including grants paid direct to the Constabulary by the Home Office). The grant allocation 2013/14 is £0.9m and the £0.3m budget pressure has been absorbed within the budget delegated to the constabulary. In 2013/14 the Commissioner will make a full years funding available to external partners at 2012/13 levels and, subject to final discussions, the amounts will be as follows:-

2012/13 Community Safety Funding Allocations to external partners

Partner	Allocation 2012/13
Drug Intervention Programme Peterborough	£205k
Cambridgeshire CSPs	£255k
Drug Intervention Programme Cambridgeshire	£116k
Safer Peterborough Partnership	£116k
Youth crime and substance misuse Cambridgeshire	£92k
Youth crime and substance misuse Peterborough	£74k
Cambs County Council - Multi Agency Referral Unit	£20k
Peterborough City Council - Independent Domestic Violence Advocate	£20k
Total	£898k

- 7.4 More details will be included in the Police and Crime Plan. In 2014/15 Community Safety Grant will become part of the general Formula Grant allocation.
- 7.5 The Commissioner is also keen to honour his pre election commitment to support Neighbourhood Watch to add focus on victims through partnership with Victim Support. This would be in advance of the transfer of responsibility to the Commissioner for funding for victim and witness services in 2014/15 and would aim to help deliver better value for money.
- 7.6 The Commissioner will hold to account partners in receipt of funding through 'star chambers' which will be held throughout the year. At the star chambers partners will be asked to share information relating to performance, finance and proposals for more efficient working individually, collectively and with new partners. A range of information will be consulted beyond oral and written evidence provided at the star chamber. It is recognised that the Commissioner's funding is not the sole source of funding for partners and that they have existing governance structures. Star chambers are not intended to replace existing structures but will enable the Commissioner to personally understand the work of these partnerships and how his grant funding will add value.
- 7.7 The Chief Constable also makes some crime reduction/community safety grants from his delegated budget. There are no plans, currently, to change these allocations in 2013/14 although the Commissioner will wish to ensure that all grants are distributed in a coordinated way and their impact on the reduction of crime and disorder maximised.

8. Office of the Police and Crime Commissioner

- 8.1 The Commissioner has made a public commitment to reducing the costs of his office from April 2013 by 10%. The detail is set out in Appendix 5 and for clarity shows the last full year budget for the outgoing Police Authority and the first full year budget for the OPCC. Essentially the reduction is possible because the costs of the Commissioner and Deputy are much less than the costs of the 17 member Police Authority.

9. Robustness of estimates

- 9.1 Under Section 25 of the Local Government Act 2003, the Commissioner's Chief Financial Officer is required to report on the robustness of the estimates made for the purposes of the budget calculations.
- 9.2 Work on the 2013/14 budget began effectively in early 2012. Given the amount of change in the organisation, the budget has been put together by the Finance Team.
- 9.3 Over the last few years the Constabulary has been able to deliver savings ahead of schedule. This has slightly eased the pressure on preparation of the 2013/14 budget. However the future remains very challenging.
- 9.4 The Commissioner has built on the Constabulary's tried and tested budget preparation and monitoring arrangements. This includes scrutiny of where and why savings have been achieved and reassurance that, where possible, they have been built into the following year's budget.

10. Use of Reserves

- 10.1 Section 25 of the Local Government Act 2003 requires the Chief Finance Officer to report on the adequacy of the proposed financial reserves as part of budget setting considerations.
- 10.2 Appendix 7 sets out the Commissioner's reserves including estimated movements in 2012/13 and 2013/14.
- 10.3 Earmarked Reserves have been built up over the last few years specifically for the financing of capital (via the Capital Reserve). The Capital Reserve will now be applied for this purpose and reserves are estimated to reduce by £9.2m by 31 March 2014. Use of the Capital Reserve in this way reduces revenue costs (e.g. interest on borrowing).
- 10.4 The Commissioner holds a general reserve, primarily as a contingency for major police operations which may come out of the blue and at major cost.

11. The Medium Term Outlook

- 11.1 As set out in Appendix 1 the projected budget gap in the 3 years 2014/17 is £7.3m. It is disappointing that the government has not been able to confirm grant allocations for 2014/15. One year allocations do not make for easy financial planning. 2015/16 is particularly difficult because of the ending of the four year (from 2011/12) Council Tax Freeze Grant. This adds £1.2m to the budget gap in that year.

11.2 The Strategic Alliance is relying upon collaboration of Organisational Support (back/middle office) and Operational Support to deal with most of the funding gap in the medium term. Any further delays with these projects may jeopardise the realisation of the required savings and necessitate another 'Plan B'.

Medium Term Financial Strategy 2013/17

Appendix 1

	Ref.	Budget 2012/13 £'000	Forecast 2013/14 £'000	Forecast 2014/15 £'000	Forecast 2015/16 £'000	Forecast 2016/17 £'000
Local Policing Expenditure						
Police Officer Pay	1	51,093	45,580	45,932	46,671	47,376
Police Officer Overtime	2	1,911	1,880	1,880	1,880	1,880
Police Pensions	3	13,826	11,815	11,861	12,051	12,232
Police Staff	4	2,645	16,839	17,129	17,675	17,975
Police Staff Overtime	5	49	203	203	203	203
PCSO Pay & Allowances	6	5,983	5,762	5,935	6,113	6,296
Total Local Policing Expenditure	7	75,507	82,079	82,940	84,593	85,962
Business Support Expenditure						
Police Officer Pay	8	433	1,333	1,338	1,359	1,380
Police Staff	9	21,348	7,552	7,680	7,811	7,944
Training	10	761	650	700	700	750
Other Employee Expenses	11	36	35	36	36	36
Police Pensions	12	117	286	287	292	296
Premises Costs	13	4,019	3,860	3,967	4,077	4,191
Transport Costs	14	2,280	2,438	2,522	2,609	2,700
Supplies & Services	15	13,609	12,805	13,237	13,568	13,907
Third Party Payments	16	683	959	976	995	1,013
Total Business Support Expenditure	17	43,286	29,918	30,743	31,447	32,217
Collaboration Expenditure						
Collaboration General	18	847	530	254	242	235
Procurement	19	239	234	238	242	241
Armed Policing	20	2,397	2,304	2,312	2,349	2,385
Scientific Services	21	2,592	2,606	2,606	2,606	2,645
Major Crime	22	3,449	3,419	3,419	3,419	3,471
Protective Service	23	176	174	174	174	177
Professional Standards	24	868	861	869	878	891
Roads Policing Unit	25		4,898	4,898	4,898	4,971
Dogs Unit	26		767	767	767	778
Special Branch	27		618	618	618	627
ERSOU	28	984	962	1,001	1,041	1,056
Helicopter	29	903	470	470	470	470
Kings Lynn PIC	30	856	688	706	723	734
Total Collaboration Expenditure	31	13,311	18,531	18,332	18,427	18,681
Community Safety / Crime Reduction Grants (OPCC)	32		928	928	928	928
Capital Financing Costs						
Revenue Contribution to Capital	33		1,140	1,200	1,300	1,400
Interest	34	508	491	473	454	435
Minimum Revenue Provision	35	2,411	1,038	1,002	968	935
Finance Lease	36	10	10	10	10	10
Total Capital Financing Costs	37	2,929	2,679	2,685	2,732	2,780
GROSS REVENUE EXPENDITURE	38	135,033	134,135	135,628	138,127	140,568
Grant - Community Safety	39		-928	-928	-928	-928
Grant - Other	40	-3,862	-11	-11	-11	-11
Income - Other	41	-2,139	-1,462	-1,498	-1,536	-1,574
Total Income	42	-6,001	-2,401	-2,437	-2,475	-2,513
NET REVENUE EXPENDITURE	43	129,032	131,734	133,191	135,652	138,055
Contributions +To /- From Reserves	44	-1,417	-155	0	0	0
NET BUDGET REQUIREMENT (NBR)	45	127,615	131,579	133,191	135,652	138,056
Budget -Decrease / +Increase Year on Year				1.2%	1.8%	1.8%
Financed by:						
Total Formula Grant	46	77,852	80,211	78,606	77,034	75,494
Precept	47	48,793	45,544	47,135	48,792	50,496
Council Tax Freeze Grant	48	1,173	1,173	1,173	0	0
Council Tax Support Grant	49	0	4,807	4,740	4,740	4,740
Collection Fund - Deficit / +Surplus	50	-202	-155	0	0	0
TOTAL FINANCING	51	127,615	131,579	131,654	130,567	130,730
BUDGET GAP						
Cumulative	52	0	0	-1,537	-5,086	-7,326
Year on Year	53			-1,537	-3,548	-2,241
Band D Council Tax £	54	£174.51	£177.93	£181.49	£185.12	£188.82

Figures may not cast exactly due to rounding.

Budget Assumptions

The following assumptions (some now confirmed) underpin the estimates/forecasts:-

- Pay awards - the Chancellor's Autumn Statement confirmed a further two years of pay restraint - 1% per annum up to and including 2015/16.
- Winsor 2 may lead to a slight increase in costs; the budget assumption is cost neutral.
- General (price) inflation is now projected at 2.5% across the 4 years but for energy and fuel the assumption is 4%.
- A council tax increase of 2% in each year of the Medium Term Financial Strategy
- A formula grant reduction of 2% in 2014/15 and following years.

Details of Provisional Grant Settlement 2013/14

1. Formula Grant

- 1.1 A 1.6% cash reduction for 2013/14 compared to our assumption of 1.95%. We are better off by £278k.
- 1.2 Neighbourhood Policing Grant rolled into formula funding pot and 2012/13 baseline adjusted.
- 1.3 Grants will be directly payable by DCLG and Home Office and outside the business rates retention scheme (unlike fire and rescue authorities).
- 1.4 No figures published for 2014/15 (in light of further reduction to Home Office budget).
- 1.5 No changes to damping arrangements. Damping has been applied to ensure all policing bodies receive the 1.6% cash reduction.
- 1.6 Beyond 2014/15 - The Home Office confirmed that the Home Secretary ‘..will be commissioning a fundamental review of the Formula once Police and Crime Commissioners are established in their roles and able to engage fully in the review process.’ This is expected to begin in early 2013.
- 1.7 In the Autumn Statement 2012 the Chancellor announced that a spending review would take place in the first half of 2013 to set detailed spending plans for 2015/16 only. A further spending review for the years beyond 2015/16 is therefore expected in late 2015, following the general election.

2. Community Safety Funding

- 2.1 The allocation is £928k, higher than expected. Government has not published a list of the funding streams, making it difficult to establish if the sum covers all emerging cost pressures. However the Home Office has said that the following funding streams are ending this year (and therefore deemed to be in the 2013/14 allocation):-
 - Drug Interventions Programme (DIP)
 - DIP Drug Testing Grant
 - Community Safety Partnership Funding
 - Youth crime and substance misuse prevention activities
 - Positive Futures
 - Communities Against Guns
 - Gangs and Knives Programme
 - Community Action Against Crime: Innovation Fund and Safer Future Communities; Ending Gang and Youth Violence.

- 2.3 The Home Office has been asked for further clarification and we are checking with our partners whether they receive any of the more obscure funding streams.
- 2.4 Total Community Safety related historical funding (in 2012/13) was £1.2m (including grants paid direct to the Constabulary by the Home Office). The grant allocation 2013/14 is £0.9m and the £0.3m budget pressure has been absorbed within the budget delegated to the Constabulary.

3. Localised Council Tax Support Funding

- 3.1 DCLG has just published our grant as £4.81m (£4.74m was previously notified). This grant will make up the shortfall in precept from the lower tax base.

4. Council Tax

- 4.1 Referendum limit set at 2%. On 19 December 2012 the Secretary of State announced that as a general rule a 2% referendum principle would apply to all principal local authorities, Police and Crime Commissioners and Fire and Rescue Authorities, meaning that a positive local referendum result would be needed for council tax increases above 2%, with exceptions for those authorities who's Band D council tax was in the lower quartile for their category of authority. Cambridgeshire Police does not fall within this category.
- 4.2 Council Tax Freeze Grant details confirmed - A local elected policing body will be eligible for the grant providing it does not increase the basic amount of council tax in 2013/14, compared to 2012/13. The grant will be equivalent to a 1% increase in the 2012/13 Band D amount multiplied by the council tax base for 2013/14, which will not be reduced for the element of the tax base receiving council tax support. This will mean the grant will be calculated in the same way as in previous years. Indicative Grant £494k.

5. Capital Grant

Confirmed as £1.169m for 2013/14.

6. Consultation

- 6.1 The Provisional Grant Settlement is open to consultation until 15 January 2013. A formal response on behalf of the Association of Police and Crime Commissioners has been prepared and submitted by the Police and Crime Commissioners' Treasurers' Society.

Workforce Projections – Police Officers

Police Officer Establishment FTE				2012/13	2012/13	2013/14
				FTE	FTE	FTE
					Revised	
Local Policing				986.4	988.5	998.5
Policing Support and 2nd Phase Collaboration				256.0	239.6	239.6
Collaboration (Protective Services)				82.6	92.4	97.8
Police Officers outside planned structures (temporary)				45.3	31.9	13.3
Total				1,370.3	1,352.4	1,349.2

Police Officer Financing Estimates				2012/13	2012/13	2013/14
				FTE	FTE	FTE
					Revised	
Local Policing				42,937	43,022	45,392
Policing Support and 2nd Phase Collaboration				1,817	1,122	1,145
Collaboration (Protective Services)				8,737	9,982	10,251
Police Officers outside planned structures (temporary)				1,987	1,351	563
Total				55,478	55,477	57,352

Office of the Police and Crime Commissioner (OPCC)

Budget reduction 2011/12 (last full year of Police Authority) to 2013/14 (first full year of the OPCC)				
	2011/12	2013/14	Change	Notes
	Budget	Budget		
	£000	£000	£000	
Police Auth Members Allowances	217			
Police Auth Members Trav, Training etc	50			
Police and Crime Commissioner		70		
Police and Crime Commissioner - employers NI		7		
Deputy Police and Crime Commissioner		28		
Deputy Police and Crime Commissioner - employers NI		2		
Travel/Conferences etc		10		
	267	117	-150	
OPCC Staffing (incl Chief Executive and CFO) (9.8 fte in 2013/14)	427	466	39	Increased capacity for new functions
Other OPCC staff costs	9	24	15	Training, recruitment and travel, additional employers pension costs (£10k) etc.
Legal fees	40	40	0	
External Audit Fees	85	65	-20	
Internal Audit costs	46	46	0	
Other office and running expenses	96	108	12	Corporate subscriptions, IT costs, custody visitors, accommodation costs etc.
Total costs of Police Authority members and Exec Office	970			
Total costs of the OPCC		866	-104	-11%

Share of Precept to be paid by each District/City Council in 2013/14

	Council Tax Base No.	Precept £	Collection Fund Surplus (+)/ Deficit (-) £	Total Payment Due £
Cambridge City	37,631.3	6,695,737.21	-144,864.54	6,550,872.67
East Cambridgeshire	27,680.0	4,925,102.40	-10,493.00	4,914,609.40
Fenland	26,576.0	4,728,667.68	-11,491.00	4,717,176.68
Huntingdonshire	56,358.0	10,027,778.94	64,105.00	10,091,883.94
South Cambridgeshire	57,560.1	10,241,668.59	-12,810.00	10,228,858.59
Peterborough City	50,158.0	8,924,612.94	-39,376.00	8,885,236.94
Total	255,963.4	45,543,567.76	-154,929.54	45,388,638.22

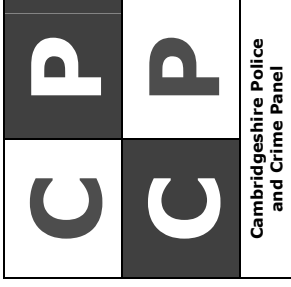
General and Earmarked Reserves - Movements

		Balance 31 March 2012		Estimated 2012/13		Balance 31 March 2013		Estimated 2013/14		Balance 31 March 2014
	Ref	£000	Added to Reserve £000	Applied £000		Added to Reserve £000	Applied £000	£000		
Innovation Reserve	1	624		(147)	477			477		
Carry Forward Underspending Reserve	2	1,990			1,990			1,990		
Insurance Reserve	3	1,895			1,895			1,895		
Ill-Health Retirement Reserve	4	627			627			627		
Capital Reserve	5	10,908	3,200	(10,400)	3,708		(799)	2,909		
Operational Maintenance Reserve	6	500		(500)	-			-		
Collaborative Initiatives Reserve	7	1,350		(308)	1,042		(842)	200		
Recruitment Reserve	8	474			474			474		
Reorganisation Reserve	9	677			677			677		
Total Earmarked Reserves		19,045	3,200	(11,355)	10,890	-	- 1,641	9,249		
General Reserve	10	7,000	500		7,500		(155)	7,655		
Total Reserves		26,141	3,700	(11,355)	18,390	-	(1,796)	16,904		
ADD: Insurance Provision	11	741								
Total		26,882								
Net Budget Requirement		127,600			131,895			131,654		
General Reserve / NBR%		5.5%			5.7%			5.8%		

Ref.	Comments
1	Financing of energy efficiency (carbon reduction) initiatives
2	Budget carry forward arrangements, in particular preventing year end 'spend up' and carry forward of unspent partnership funds.
3&11	The total held is actuarially assessed
4	The costs of ill health retirements can be high. Costs have to be fully borne by the employer (not the Home Office).
5	See Note below
6	Move to General Reserve in 2012/13 (after helicopter transfer to NPAS).
7	Financing of Athena (legacy)
8	To finance any overspends arising from early recruitment of officers.
9	The reserve is available to finance redundancy costs and the capital (one off lump sum payments to the Local Government Pension Scheme) costs of early retirement. These are one-off costs and this arrangement will assist budget planning.
10	Transfer from Operation Maintenance Reserve £0.5m in 2012/13. Financing of Losses on Collection Funds £155k in 2013/14.

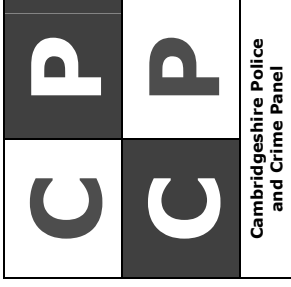
Note	Capital Reserve	Added	Applied	Added	Applied
	Estimated revenue underspend 2012/13	3,200			
	Parkside Major Repairs		(300)		
	Write down of future MRP payments		(6,900)		
	Financing capital expenditure (legacy schemes)		(3,200)		(799)
		<u>3,200</u>	<u>(10,400)</u>	<u>-</u>	<u>(799)</u>

This page is intentionally left blank



**CAMBRIDGESHIRE POLICE AND CRIME PANEL
AGENDA PLAN**

DATE OF MEETING	TITLE/ PURPOSE	OFFICER
7 February, February 2013, 1-4pm, Huntingdon, Civic Suite	Scrutiny of the Medium Term Financial Plan and 2013 Budget Confirm Procedure for Handling of Complaints Confirm Rules of Procedure Scrutiny of the Police and Crime Plan	Dorothy Gregson / Commissioner Kim Sawyer / Gary Goose Kim Sawyer/ Alex Daynes / Gary Goose Dorothy Gregson / Commissioner
21 February 2013, 1pm (PROVISIONAL), Huntingdon, Civic Suite	Scrutiny of revised Medium Term Financial Plan and 2013 Budget	Dorothy Gregson / Commissioner
21 March 2013 Civic Suite 1a 2-4pm	Confirm Protocol Between Commissioner, Constabulary and the Panel Cost of Officer support 2012/13 and 2013/14 and Panel meeting frequency Scrutiny of the Police and Crime Plan Decisions by the Commissioner	Gary Goose Nick Hutchins / Gary Goose Dorothy Gregson / Commissioner
Wednesday 19 June, 2pm ANNUAL MEETING	Election of Chairman	



DATE OF MEETING	TITLE/ PURPOSE	OFFICER
	Election of Vice Chairman	
Thursday 18 July 2013 Civic Suite 1a 2-4pm	Decisions by the Commissioner Review Complaints	
Thursday 17 October 2013 Civic Suite 1a 2-4pm	Decisions by the Commissioner Review Complaints	
Wednesday 5 February 2014 Civic Suite 1a 2-4pm	Decisions by the Commissioner Review Complaints Annual Report Scrutiny of the Budget	
Wednesday 19 March 2014 Civic Suite 1a 2-4pm	Decisions by the Commissioner Review Complaints Scrutiny of the Police and Crime Plan	