

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	8 July 2022
Title:	Sub-Committee and Working Group Arrangements
Contact:	Democratic Services Officer to the Panel

Tel: 0370 779 6176

Email: hampshire.pcp@hants.gov.uk

Purpose of this Report

1. The purpose of this paper is to set out the proposed arrangements and membership for a Policy and Performance Working Group and Complaints Sub-Committee to operate under the Hampshire Police and Crime Panel (PCP).

Recommendations

2. **That the Panel agree the continuation of the Complaints Sub-Committee and the introduction of a Policy and Performance Working Group for the 2022/23 municipal year, in accordance with the Terms of Reference set out in appendix one and appendix two of this report.**
3. **That the Panel agree the membership of the Complaints Sub-Committee and Policy and Performance Working Group for the 2022/23 municipal year.**
4. **That Terms of Reference for a Task and Finish Group, to review and pre-scrutinise the Commissioner's proposed precept annually, be considered at the next meeting of the Panel in October.**

Sub-Committee and Working Groups

Complaints Sub-Committee

5. The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire (PCC), and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Office for Police Conduct (IOPC).

6. At its meeting on 19 October 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee. The terms of reference for this Sub-Committee are attached as appendix one.
7. This Sub-Committee meets on an ad hoc basis. In the previous year, the Sub-Committee met on four occasions.
8. The Sub-Committee is appointed on a politically proportionate basis and is made up of five members. Membership includes one of the PCP's two independent co-opted Members, who shall be appointed Chairman.
9. It is suggested that, as in previous years, the Chairman of the Panel will not be a member of this Sub-Committee. This will enable the Chairman to be independent of the process should an issue relating to the handling or outcome of a complaint arise.
10. It is recommended that the membership of this working group remain at five members.

Policy and Performance Working Group

11. The PCP previously operated three working groups, the Finance Working Group, set up in 2012, the Police and Crime Plan Working Group, introduced in 2016 and the Equality and Diversity Working Group which was created in 2020. The purpose of these working groups was to enhance the PCP's scrutiny of the policy delivery by the Police and Crime Commissioner, through undertaking an in-depth review of delivery in their respective areas and reporting back to the Panel.
12. Each working group previously met approximately four times per annum. It has become clear that there are a number of areas of overlap between the three working groups. Following discussion at the Panel meeting on 8 April 2022, regarding the information the Panel required from the Commissioner to enable effective scrutiny, it was observed that amalgamating all three working groups into a combined Policy and Performance Working Group may enable more efficient data flow and co-ordinated evaluation. This proposal also received support from the Office of the Police and Crime Commissioner (OPCC).
13. On 21 June, a meeting of the Plan Working Group was held, which was attended by the Chairmen of the Finance and Equality and Diversity Working Groups. At that meeting Terms of Reference for a new Policy and Performance Working Group were considered and supported, which are attached as appendix one.

14. It is proposed that the new Policy and Performance Working Group will meet four times per year, with meetings scheduled in advance.
15. It is recommended that, for the first year of operation, the membership of this working group be set at seven members, and this be reviewed at the Panel's annual meeting in 2023.
16. Given the specific annual function the Finance Working Group previously undertook in reviewing the draft budget and precept between November and January each year, it is proposed that consideration is given to annually setting up a separate Task and Finish Group to undertake this activity. This will enable specific focus to be given to this key area of the Panel's responsibility, within the timescales needed for budget development. To enable further exploration of this concept, it is proposed that terms of reference for a Task and Finish Group be drafted for consideration at the next meeting of the Panel.

Section 100 D - Local Government Act 1972 - background documents

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

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



COMPLAINTS SUB-COMMITTEE

TERMS OF REFERENCE

1. Role and Purpose of the Complaints Sub-Committee

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

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

2. Scope of the Complaints Sub-Committee

Objectives:

1. To review and determine any complaint received against the PCC or DPCC in line with the Panel's 'complaints protocol', which makes allegations of a breach of the PCC's code of conduct. In discharging their duties the Complaints Sub-Committee shall have regard to:
 - The Code of Conduct of the PCC/DPCC;
 - Whether the complaint discloses a specific conduct failure on the part of the PCC/DPCC, identifiable within the Code of Conduct of the PCC/DPCC, or whether it relates to operational matters of the constabulary, and operational policing matters in which the PCC has no authority;
 - The remedies available to it;
 - All other relevant considerations.

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

Exclusions:

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

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

If, at any stage, the IOPC informs the PCP that they require the complaint to be referred to them, the sub-committee will do so on behalf of the PCP. If matters come to light during the resolution process which indicates the commission of a criminal offence, the complaint must be referred to the IOPC by the sub-committee as a potential 'serious complaint' and any resolution process suspended.

3. Method

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

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

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

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

4. Membership

The Membership of the sub-committee shall be determined during the Annual Meeting of the Panel

The sub-committee shall be appointed on a politically proportionate basis and made up of five members. Membership shall include one of the PCP's two independent co-opted Members, who shall be appointed Chairman.

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

5. Outcomes

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

Annexe

Background

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

Further information can be found online:

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

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



POLICY AND PERFORMANCE WORKING GROUP

TERMS OF REFERENCE

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

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

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

2. Scope of the Policy and Performance Working Group

Objectives:

1. To take a lead on the PCP's proactive scrutiny work programme.
Key activities include:
 - Making recommendations to the PCP upon themes for the proactive scrutiny reviews.
 - Drafting the scope for proactive scrutiny sessions, including the identification of witnesses to approach for written and oral evidence, and lines of enquiry for the review.
 - Reviewing written evidence received and identifying lines of enquiry.
 - Leading the drafting of scrutiny reports prior to agreement by the PCP, including the identification of areas of conclusion and recommendation.
 - Reviewing and monitoring the PCC's response to the recommendations of PCP scrutiny reports.

In undertaking their responsibilities, the Working Group will consider how outcomes from scrutiny reviews can support the PCC in the delivery of the Police and Crime Plan and inform and enhance the approach to tackling crime and improving community safety across Hampshire and the Isle of Wight.

2. To review the draft Police and Crime Plan, ahead of its scrutiny by the PCP. Through this activity members of the Working Group will make suggestions to the PCP on areas of scrutiny. This responsibility also extends to reviewing any subsequent updates to the Police and Crime Plan as required.
3. To review progress against activity and initiatives, driven by the Police and Crime Commissioner, to enhance equality and diversity through delivery of their Police and Crime Plan. Key activities include:
 - Receiving updates on matters of concern and interest from the Office of the Police and Crime Commissioner (OPCC).
 - Making suggestions to the PCP upon areas for note or further scrutiny.
 - Reviewing and monitoring the PCC's response to any recommendations made by the PCP in respect of equality and diversity.

In undertaking their responsibilities, the Working Group will consider how outcomes from their work can support the PCC in the delivery of the Police and Crime Plan and inform and enhance equality and diversity across Hampshire and the Isle of Wight.

4. To monitor progress against the delivery of the budget, as proposed each year when setting the policing precept. Key activities will include reviewing and receiving update against the Medium Term Financial Strategy, monitoring in year financial performance and maintaining an oversight of the financial impact of any significant projects or activity.

In undertaking their responsibilities, the Working Group will consider how outcomes from their work will support the PCP to comply with their duty under schedule 5 of the Police Reform and Social Responsibility Act 2011, to deliver effective financial scrutiny of the PCC.

Exclusions:

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

3. Method

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

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

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

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

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

4. Membership

Membership for the year is determined at the annual meeting of the Panel.

The Working Group shall be formed of seven members. All members of the PCP are eligible for membership and although political proportionality is not required where possible appointments should seek to maintain cross Party representation.

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

5. Outcomes

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