

## **POLICE AND CRIME PANEL**

**Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH**

**Date: Monday, 2nd September, 2013**

**Time: 10.00 a.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence.
4. Questions from Members of the Public.
5. Minutes of the Previous Meeting held on 17th June, 2013 (herewith) (Pages 1 - 6)
6. Update from the Legal Adviser regarding referrals under the Complaints Procedure (report herewith) (Pages 7 - 9)
7. Update and Future Work of the Police and Crime Panel (report herewith) (Pages 10 - 12)
8. Report of the House of Commons Home Affairs Committee on Police and Crime Commissioners Register of Interests (herewith) (Pages 13 - 17)
9. Introduction to the CfPS Expert Advisor.
10. Date and Time of Next Meeting - Monday, 2nd December, 2013 at 1.00 p.m.

**POLICE AND CRIME PANEL**  
**17th June, 2013**

Present:-

Barnsley Metropolitan Borough Council:-

Councillor M. Dyson  
Councillor R. Sixsmith (Observer)

Doncaster Metropolitan Borough Council:-

Councillor G. Jones (Substitute)

Rotherham Metropolitan Borough Council:-

Councillor J. Akhtar  
Councillor T. Sharman

Sheffield City Council:-

Councillor H. Harpham  
Councillor T. Hussain  
Councillor H. Mirfin-Bourkouris

Co-opted Member:-

Mrs. M. Tennison  
Mr. K. Walayat

Apologies for Absence were received from:-

Mayor R. Jones (Doncaster Metropolitan Borough Council).  
Councillor P. Bartlett (Doncaster Metropolitan Borough Council).

**J1. ELECTION OF CHAIRMAN**

Resolved:- That Councillor Helen Mirfin-Boukouris be Chairman of the Police and Crime Panel for 2013/14 Municipal Year.

(Councillor Mirfin-Boukouris in the Chair who thanked Councillor Harry Harpham for his services to the Panel during its establishment)

**J2. ELECTION OF VICE-CHAIRMAN**

Resolved:- That Councillor Jahangir Akhtar be appointed as the Vice-Chairman of the Police and Crime Panel for the Municipal Year 2013/14.

**J3. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH MARCH, 2013**

Consideration was given to the minutes of the previous meetings of the Police and Crime Panel held on 13<sup>th</sup> March, 2013.

Resolved:- That the minutes of the previous meetings of the Police and Crime Panel held on 13<sup>th</sup> March, 2013 be agreed as a true record.

**J4. QUESTION FROM MEMBERS OF THE PUBLIC**

A member of the public asked on what topics was the Police and Crime Panel interested in receiving public questions and in doing so asked why road safety was not detailed in the Police & Crime Plan. 20 mph speed limits were being introduced in urban areas in line with DfT guidelines and asked what was Police policy on legal enforcement and how was this decided?

The Police and Crime Commissioner reported that 20 mph speed limits were in operation across various districts across South Yorkshire and the Police's resources had to patrol the highways on a risk based system.

The Police held a database which they shared with the Local Authority where incidents had taken place.

The Police and Crime Commissioner welcomed introducing 20 mph speed limits, particularly in residential and the most vulnerable areas, like schools, but only had a limited resource to patrol the hotspot zones.

As part of the grants scheme Neighbourhood Watch Areas and local activists were being encouraged to develop PACTS, particularly on road safety around schools. In addition, Local Authorities and Safer Neighbourhood Teams etc. were being encouraged to come forward with solutions to look at priorities within the resources available.

The Vice-Chairman also pointed out that the role of this Panel was to look at the Police and Crime Commissioner's priorities and performance manage against Police and Crime Panel targets.

**J5. ANNUAL REPORT**

Consideration was given to the report of the Annual Report presented by the Police and Crime Commissioner, which set out how the Commissioner had exercised his statutory functions since being appointed, as well as providing an overview of the work undertaken by South Yorkshire Police Authority of its statutory functions between April and November, 2012.

The main purpose of the report was to highlight performance against the functions of a Police and Crime Commissioner as set out in the Act and to demonstrate performance against the key objectives set out in the Police

and Crime Plan 2013-17 which were:

- Reduce Crime and Anti-Social Behaviour.
- Protect Vulnerable People.
- Improve Visible Policing.

The reporting year was another very difficult year for all public services and Policing was not immune from the further significant cuts made by Central Government to public service funding in 2012/13. In terms of crime performance information comparing 2011-12 to 2012-13 this demonstrated continued overall reductions in crime despite the challenging financial circumstances.

In reviewing the period from November, 2012 to March, 2013, the Police and Crime Commissioner recalled the more significant events including:-

- Drafted and published the first Police and Crime Plan.
- Established fortnightly Commissioner Surgeries giving 1.35million residents access to meet with the Police and Crime Commissioner.
- Recruitment of both a Deputy Police and Crime Commissioner and Deputy Chief Constable.
- Development of Community Grant scheme allocating Proceeds of Crime Act funding back to the community.
- Become the North East Regional Director in relation to the National Police Air Service and secured a seat on the Her Majesty's Inspectorate of Constabulary Performance Board.
- Developed the website and electronic channels of communication including twitter and Facebook demonstrating commitment to openness and transparency.
- Established accountability arrangements with the Chief Constable and Senior Command Team.
- Agreed collaboration between West Yorkshire, North Yorkshire and Humberside Police on Scientific Support Service.
- Retained bases in South Yorkshire for the Mounted Police Section and a Police Helicopter.
- Agreed the Custody Suite Rationalisation.
- Established a South Yorkshire Joint Liaison Forum involving Unison, GMB, Unite, Police Federation and Police Superintendents Association.
- Commissioned additional services from South Yorkshire Probation Trust and Victim Support.
- Established a procurement framework to help bolster the South Yorkshire economy.
- Refreshed the Independent Advisory Groups to further provide transparency and accountability, established countywide Child Sexual Exploitation forum, countywide Community Safety Partnership Chairs forum and Joint Audit Committee.

The Police and Crime Commissioner also gave an update on progress of

elements of his Plan relating to:-

- Strategic Planning.
- The Governance Arrangements.
- Progress Against Priorities.
- Reducing Crime and Anti-Social Behaviour.
- Protecting Vulnerable People.
- Improving Visible Policing.
- The Budget.
- Holding the Chief Constable to account.
- Partnership Working.
- Collaboration.
- Community Grants.
- Information and Engagement.
- People.
- Work of the South Yorkshire Police Authority.
- South Yorkshire Police Performance.

The Police and Crime Commissioner was committed to his vision to make South Yorkshire the safest place to live, learn, work and run businesses and believed his Annual Report captured the progress made not only against the objectives as set out in the Police and Crime Plan, which would help work towards this vision, but also the wider responsibilities of his role. There were two significant legacy issues unique to South Yorkshire - the tragic event of Hillsborough and the policing of the mining dispute at Orgreave. The Police and Crime Commissioner was continuing to hold regular discussions and monitor both matters closely. It was his intention to maximise transparency throughout and to do what he could do to help facilitate bringing these matters to an acceptable resolution.

A discussion and a question and answer session ensued and the following issues were raised and clarified by the Police and Crime Commissioner:-

- How members of the public could find out about the Police and Crime Commissioner's public surgeries.
- Establishment of regular strategic forums and the membership of these.
- The priority of reducing anti-social behaviour and how many incidents there had been in the last year, the target setting for the coming year and what attempts would be made to reduce the numbers further.
- Increase in theft from person numbers and whether this was attributable to the down turn in the economy.
- In light of decreasing resources and the number of demonstrations/ protests taking place what measures could be taken to ensure that local communities were kept safe and whether there was potential for Police and Crime Commissioners collectively to lobby the Home Office for additional support.

- The need for good partnership and working relationships between the Police and Crime Commissioner and the Chief Constable.
- Role of the Police Protection Units.
- Review of the PACT meetings welcomed.

The Panel also noted the email that had been received regarding the Scrutiny Review of Domestic Abuse Services being undertaken by the Improving Lives Select Commission in Rotherham, which detailed a number of questions.

The Police and Crime Commissioner confirmed that, with regards to priorities and the budget constraints, funding would not be affected for the next twelve months and would continue for tackling domestic violence. The Deputy Police and Crime Commissioner was currently identifying resources that could be put in place and where the gaps in provision were. The Domestic Violence Advocacy Unit was receiving £40,000 from the Local Strategic Partnership, £35,000 from the Council and £20,000 from the Home Office.

Resolved:- That the draft Police and Crime Panel be received and any further comments submitted to the Police and Crime Commissioner by 8th July, 2013.

#### **J6. UPDATE UPON THE HANDLING OF COMPLAINTS**

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which provided an update on the handling of complaints received against the Police and Crime Commissioner.

In accordance with Regulation 6(1) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 the Panel had a duty to ensure it was kept informed of the handling of such complaints.

Since the previous meeting the following matters have been considered:-

1. A complaint that the Commissioner had failed to respond to correspondence.

The Office of the Commissioner confirmed that a response had been sent, although with some delay. Following consultation with the Chairman and Vice-Chairman the matter was not accepted as a formal complaint and no further action was taken.

2. A complaint that the Commissioner was making statements in support of a political candidate.

Following consultation with the Chairman and Vice-Chairman it was determined that as the Panel had considered a very similar complaint at its meeting on 13<sup>th</sup> March, 2013, the complaint would not be referred to the Panel for resolution.

A full explanation of the earlier decision was provided to the complainant.

3. A comment regarding a failure of the Commissioner to show support for the Chief Constable.

Having consulted with the Chairman and Vice-Chairman it was determined that the communication took the form of a comment and did not reveal a complaint. Therefore, the matter was not referred to the Panel.

There were two further complaints in relation to which, in accordance with the Panel's complaints procedure, the comments of the Commissioner were being sought. These would be reported to a future meeting of the Panel.

The Panel were of the view that there appeared to be some vagueness by the public on the role of the Police and Crime Commissioner, but it was uncertain how this could be dealt with. It was suggested, however, that a section on Frequently Asked Questions be included on the Police and Crime Panel's website which may help in managing expectations.

Resolved:- That the report be received and the contents noted.

#### **J7. DATE AND TIME OF NEXT MEETING**

Resolved:- (1) That the next meeting of the Police and Crime Panel take place on Monday, 2<sup>nd</sup> September, 2013 at 10.00 a.m.

(2) That all subsequent meetings be held at 1.00 p.m. to facilitate attendance by members of the public.

**SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	South Yorkshire Police and Crime Panel
<b>2.</b>	<b>Date:</b>	2 <sup>nd</sup> September 2013
<b>3.</b>	<b>Title:</b>	Update from the Legal Adviser regarding referrals under the Complaints Procedure
<b>4.</b>	<b>Organisation:</b>	Monitoring Officer, RMBC – Host Authority

**5. Summary**

To update the Panel on matters that have been considered under the Complaints Procedure.

**6. Recommendations**

That the Panel notes the steps that have been taken with regard to the complaints.



## 7. Information and Analysis

Since the previous meeting of the Panel on 12<sup>th</sup> June the following complaints have been dealt with:-

- a) Complaint that the Commissioner has failed to take appropriate action regarding comments made by the Chief Constable.

As this matter concerns personnel issues the Panel may wish, in accordance with the Complaint Procedure, to refer it for consideration by a single member or a sub-committee of the Panel.

- b) Complaint that the Commissioner has failed to respond to a matter reported to him.

Following an initial consultation with the Commissioner, it was clear that the complaint regarded an administrative failure, and was not a complaint as envisaged by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Therefore the matter was not further considered under the Procedure.

The Chair and Vice Chair were consulted regarding this complaint, as required by the Complaints Procedure.

- c) Complaint that the Commissioner has failed to declare an interest upon his register of interests.

Following clarification from the Commissioner it was clear that he did not hold the interest that it was alleged should have been declared. Therefore the matter did not fall to be considered further under the procedure.

- d) Complaint that the Commissioner had failed to register as a data controller, in accordance with the Data Protection Act 1998. As this allegation, if true, would constitute a criminal offence the matter had to be referred to the Independent Police Complaints Commission (IPCC).

The IPCC referred the matter back to the Panel and confirmed that, in accordance with transitional regulations, the previous data protection registration of the Police Authority had transferred to the Police Commissioner.

Accordingly the complaint did not require further consideration by the Panel.

- e) A complaint of poor service by South Yorkshire Police.

This was referred to the Commissioner for consideration.

## 8. Background Papers and Consultation

Files held by the Legal Adviser to the Panel

**Contact:** Jacqueline Collins, Legal Adviser  
South Yorkshire Police and Crime Panel  
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<b>SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	South Yorkshire Police and Crime Panel
<b>2.</b>	<b>Date:</b>	2 <sup>nd</sup> September, 2013
<b>3.</b>	<b>Title:</b>	Update and Future Work of the Police and Crime Panel
<b>4.</b>	<b>Organisation:</b>	RMBC – Host Authority

### **5. Summary**

This report provides members of the Panel with an update on issues that have arisen during the Summer period and prompts discussion about how the Panel would like to take its work forward, now that its statutory commitments for the first year have been fulfilled.

### **6. Recommendations**

**That the Panel:**

- **Consider and note the update on issues relating to Police and Crime Panels.**
- **Consider the proposals forwarded by the officer group in section 7.**

## **7. Proposals and details**

At its last meeting, the Police and Crime Panel considered the first Annual Report of the Police and Crime Commissioner. This effectively completed its statutory functions for the first year, which also included:

- Consideration of the Precept and Budget
- Confirmation Hearing for the appointment of the Deputy PCP
- Consideration of the Police and Crime Plan
- Agreement and implementation of a complaints procedure

Since its last meeting, a number of developments have taken place which are considered in this report:

### **Report of the House of Commons Home Affairs Committee on Police & Crime Commissioners Register of Interests (Printed 16<sup>th</sup> May 2013)**

The report on this agenda looks at how the Panel should respond to these findings.

### **HMRC Policing in Austerity report**

It is anticipated that a report on this will come to the Panel in due course.

### **Police and Crime Panel conference in Leeds, July 2013**

This highlighted a number of key issues for PCPs now that they have mostly fulfilled their statutory duties and focused on how they might carry out proactive scrutiny of PCCs with such limited resources. How PCPs carry out their work planning was also discussed.

### **Centre for Public Scrutiny are carrying out research assessing the impact of the first year's work of Police and Crime Panels.**

A request has been sent for anyone wishing to contribute to this research, perhaps by highlighting good practice in their area, to contact Ed Hammond from the CfPS.

### **Expert Adviser support being offered through LGA and Centre for Public Scrutiny.**

The Centre for Public Scrutiny has a number of Expert Advisers – all are well-versed, from professional experience, in accountability and governance at local level. Many have direct experience of working with the police, with a couple having been serving police officers. These Expert Advisers can provide assistance in a number of areas, such as:

- Work programming, and understanding how work can be prioritised;
- Gathering and triangulating evidence from a variety of different sources;
- Carrying out work within significant resource constraints;
- Engaging with the PCC – developing relationships and understanding the culture of the police, and the Chief Constable's strategic relationship with the PCC;

- Understanding the wider community safety and criminal justice landscape;
- Skills needed to ask effective questions, and chairing skills.

South Yorkshire has been successful in securing this support and a representative will be present at the meeting to discuss how this is taken forward.

Also during July, a meeting was held with support officers across South Yorkshire from both the Community Safety Partnerships and the Crime and Disorder Scrutiny functions. The purpose of this was to determine how best to support the work of the PCP going forward. As a result it was proposed that:

- That appropriate officers from each authority ensure that their individual members of the PCP receive the necessary briefing support with locality Scrutiny officers and Community Safety Partnership officers potentially carrying out a key role here.
- To hold a development or training session with the Panel members to discuss work planning - following the priorities outlined in the Police and Crime Plan and any other emerging local issues. This could be supported by officers as outlined above.
- South Yorkshire's PCP consider adopting a similar process to West Yorkshire who hold quarterly meetings with reports from all of the CSPs and invite Crime and Disorder Scrutiny Chairs to attend this also.
- Priorities to consider for working with the expert adviser could be around gathering and triangulating evidence and operating with constrained resources.

### **8. Finance**

There are no immediate financial implications of this report.

### **9. Risks and Uncertainties**

Effective work programming and understanding of the appropriate role for PCPs are both key to avoiding undue risks in carrying out their functions.

### **Background Papers and Consultation**

Notes of Leeds Conference  
Notes of Officer meeting 30<sup>th</sup> July 2013

### **Contact**

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<b>SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	South Yorkshire Police and Crime Panel
<b>2.</b>	<b>Date:</b>	2 <sup>nd</sup> September 2013
<b>3.</b>	<b>Title:</b>	Report of the House of Commons Home Affairs Committee on Police and Crime Commissioners Register of Interests
<b>4.</b>	<b>Organisation:</b>	RMBC – Host Authority SCC

### 5. Summary

This report provides members with a briefing on the above report, focusing on the outcomes and implications for South Yorkshire

### 6. Recommendations

**That the Panel:**

- **Note the report**
- **Consider the implications for their future work**
- **Consider any increased powers for the PCP they would like to suggest**

## **7. Proposals and details**

Attached at appendix A is a member briefing that outlines the findings contained within the published report and focuses on the issues that particularly affect South Yorkshire.

Members are asked to consider whether they wish to address or respond to any of the issues contained within this briefing.

The LGA has advised that it understands that there is likely to be a further hearing of the Home Affairs Select Committee before the end of the year which is likely to focus on the powers of PCCs and PCPs. Recent comments from Keith Vaz MP who chairs the committee indicate that this may have been triggered at least in part by the recent involuntary resignation of the Chief Constable in Gwent. This gave the impression that the operation of PCCs and panels and the balance of power between them needed to be looked at, particularly in relation to the dismissal of chief constables.

To help develop a *wider* position on the adequacy of powers available to panels, the LGA would like to gather any views from officers and panel members. Members are requested to consider whether they would like to respond to this and make any suggestions.

## **8. Finance**

There are no immediate financial implications of this report.

## **9. Risks and Uncertainties**

Effective work programming and understanding of the appropriate role for PCPs are both key to avoiding undue risks in carrying out their functions.

### **Background Papers and Consultation**

#### **Contact**

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**Appendix A:**

**Member Briefing: Police and Crime Panel**

**Police & Crime Commissioners Register of Interests  
House of Commons Home Affairs Committee. (Printed 16<sup>th</sup> May 2013)  
First Report of Session 2013-14.**

**This report considers the following areas;**

- The Scrutiny of PCCs,
- Who are the Police and Crime Commissioners (PCC)?
- Salaries and Offices
- PCC's profile

2 Annexes are included: Information PCC's are required to publish and Chief Constables' pay . The first of these annexes may be of particular interest to members of the Police and Crime Panel.

The full report can be found at

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/69/69.pdf>

**Overview:**

The report recognises that the role of the Police and Crime Commissioner is to ensure an effective and efficient police force in their area and to hold the Chief Constable to account for the delivery of the PCC's 'police and crime plan' . The PCC is responsible for the appointment /suspension of the Chief Constable and for the police budget in their area. Including setting the local council tax precept for policing.

**The Scrutiny of PCCs:**

The report acknowledges the "power" assigned to one individual in the role of PCC and recognises that ultimately the PCCs are held to account by the electorate. It identified that at the local level Police and Crime panels (PCPs) scrutinises the work of PCCs. The report considers the actions of the Chief Constable by the Lincolnshire PCP and that in that case the PCP failed to met for over two months.

The report identified that on 19<sup>th</sup> April 2013 only 10 PCCs had met their statutory obligations and published the full financial data required. (South Yorkshire was not included in this list).

The report identified that prior to 18<sup>th</sup> April, 2013 12 PCCs have yet to publish their data online and South Yorkshire was one of the 12 named as not having published. However the report goes on to acknowledge that this was rectified before 3<sup>rd</sup> May 2013.

**Who are the Police and Crime Commissioners?:**

The report looks the eligibility criteria and at the breakdown of PCCs across the country.

**Salaries & Offices:**

The report identifies the staff in the Office of the Police and Crime Commissioner (OPCC) along with the salaries of their deputies and Senior staff members.



A financial breakdown is provided and it states that the Police precept 2012/13 South Yorkshire has increased by 3.5% for a band D property, which is one of the largest percentage increases compared to the other force areas.

It identified that the overall force budget for South Yorkshire is (£m) 252.728,773 with the budget for 2013/14 for the South Yorkshire OPCC being (£m) 3.144,717

The percentage of the budget utilised by the OPCC in South Yorkshire is 1.24%, which is the largest percentage of any other budget where information was available.\*see response from PCC below.

The House of Commons Committee also identifies the force areas where the OPCC budget is more than the Police Authority budget 2012/13 and South Yorkshire is included in this list having advised of the following increase;

The cost for the Police Authority in 2012/13 was (£m) 2.307

The cost of the OPCC budget for 2013/14 being (£m) 3.44717

This is a change of (£m) 0.84 (a 36.4% increase). However it should be noted that this includes the commissioning of services, specific grants and capital financing which having considered the information provided by other OPCCs suggests that the information used was not comparable across the country.

### **PCC's Profile**

The report looks at an analysis of the professional experience, the gender and ethnicity of PCCs and whether they reflect the diverse public whom they represent.

### **Conclusions and recommendations from the report:**

There are 17 recommendations from the report. It was acknowledged that local scrutiny is key to ensuring the highest standards of integrity and competence.

The report also highlights that regular national comparisons are important to ensure public confidence.

With regard to costs and to ensure that transparency is maintained, and to enable OPCC budgets to be compared the Home Affairs Committee recommends that Central Government publishes a list of the costs of each OPCC compared with previous years.

### **Response from the Police and Crime Commissioner**

The South Yorkshire Police and Crime Commissioner has written to the Home Office identifying a number of anomalies with the responses given to the questions posed by the Select Committee. The PCC has published the following statement on his website along with the communications to the Home Office. <http://www.southyorkshire-pcc.gov.uk/News-and-Events/News-Archive/2013/Response-from-the-Commissioner-to-the-report-on-Police-and-Crime-Commissioners-Register-of-Interests-.aspx>

"The section of the report suggesting the cost of my office for 2013/14 is more than the Police Authority budget 2012/13 is not correct.

My office was not given the opportunity to validate the figures prior to the report being published and in my mind this suggests a lack of precision and robustness in their gathering of information.

The correct budgeted costs for the office of the police and crime commissioner (OPCC) are £2.035m, which is in fact £200k less than the Police Authority budget.

The £3.144717m published in the report includes other budgeted costs, which are not valid for comparison purposes.

A budget of £2.035m, also changes the percentage of the OPCC budget from the overall policing budget for South Yorkshire to 0.91%, rather than 1.24% stated in the report. “

The Home Affairs Select Committee Clerk has agreed to provide further clarification about the figures on their website in early June.