

SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	30 th July 2014
3.	Title:	Update report
4.	Organisation:	RMBC – Host Authority

5. Summary

The purpose of this report is to provide an update on a number of issues and areas of progress since the last meeting. It covers working protocols, memorandum of understanding, training and induction and work programme.

6. Recommendations

That the Panel:

- **Notes the progress report**
- **Considers and agrees the draft working protocols and memorandum of association (Appendices A and B)**
- **Agrees to forward the above to the relevant Crime and Disorder Scrutiny Committees and to the Police and Crime Commissioner.**
- **Considers future training and induction requirements**
- **Notes the progress on the work programme and agrees an extension to the timescale for the Domestic Abuse Task and Finish Group and any further members who wish to participate.**

7. Proposals and details

Working Protocols:

At the meeting held on the 2nd May, the Panel agreed to draft some working protocols to be shared with the four Crime and Disorder Scrutiny Committees for each South Yorkshire Local Authority. These were proposed to enable sharing of information and work programmes between the Panel and the four scrutiny committees. A draft for consideration has been prepared and is attached at appendix A for consideration by the Panel. If the Panel are satisfied with this as a working draft, it is recommended that this is forwarded to the four scrutiny committees for their consideration and agreement.

Memorandum of Association:

Also at the meeting on the 2nd May, it was agreed that the existing Memorandum of Understanding between the Panel and the Police and Crime Commissioner was reviewed and updated. A suggested refreshed draft is attached at appendix B for consideration by the Panel. If the Panel are satisfied with this as a working draft, it is recommended that this is forwarded to the Police and Crime Commissioner for his consideration and agreement.

Training and Induction:

Given that there are a number of new members of the Panel, who will be attending their first meeting, it is suggested that consideration is given to any needs that there may be amongst the Panel membership for training and induction. Existing members may also wish to identify areas for development. The Panel are reminded that the budget provision for this activity is limited as it comes from the Home Office grant paid to the host authority.

Work Programme

Appendix C is the updated version of the Panel's scheduled work programme. The main area of update on this matter is regarding the work on Domestic Abuse. A Task and Finish group has been agreed for this issue and is due to start work during July and report back in September. It is recommended to the Panel that this timeframe is now extended due to annual leave commitments, so that the final report will be due in December instead of September. To date, there are two panel members who have volunteered to attend this Task and Finish group, however, it was agreed that this would be raised again for the benefit of new members who may wish to participate.

8. Finance

Training and Induction requirements may have financial implications and will need to be funded from the Home Office grant to the host authority – RMBC.

9. Risks and Uncertainties

Effective work programming assists the Panel with dealing with uncertainty and planning accordingly

10. Background Papers and Consultation

Appendix A Draft working protocols

Appendix B Draft Memorandum of Understanding

Appendix C Work Programme

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Appendix A: Draft working protocol for South Yorkshire Police and Crime Panel and the four South Yorkshire Crime and Disorder Scrutiny Committees.

Background to Local Crime and Disorder Scrutiny Committees

Provisions in the Police and Justice Act 2006 extended the remit of local authorities to scrutinise crime and disorder functions and as of April 2009 each Council has been required to designate a Scrutiny Board to act as their 'Crime and Disorder Committee.'

'Crime and Disorder Committees' have the powers to review or scrutinise decisions made (or action taken) by the local Community Safety Partnership (CSP) and the 'responsible authorities' that comprise it, but only with regards to activities which relate to the Partnership itself.

Impact of the Police Reform and Social Responsibility Act 2011

Although the Act did not change the legal remit of local authority Crime and Disorder Scrutiny Committees, they will not have the power to directly scrutinise the Police and Crime Commissioner because he/ she will not be a 'responsible authority' on the CSP.

Under previous arrangements the Scrutiny Committees could scrutinise the South Yorkshire Police Authority. The South Yorkshire Police and Crime Panel will carry out part of the role previously exercised by Local Crime and Disorder Scrutiny Committees.

Working Together

This document outlines the agreement between the South Yorkshire Police and Crime Panel and the four South Yorkshire Local Crime and Disorder Scrutiny Committees (CDCs) to work together in the following ways

1. Panel Meetings

- 1.1 CDC Chairs will, at the very least, be invited to meetings of the South Yorkshire Police and Crime Panel on an annual basis to engage in an open discussion about the impact of the Commissioner in each district
- 1.2 Should serious concerns arise during the year, the Panel may ask one or more CDC Chairs to attend additional Panel meetings and provide their perspective on the issue under consideration.
- 1.3 CDC Chairs can request an item to be put on the agenda of a Panel meeting by contacting the Chair of the Panel directly and explaining the reason for the request.

2. Influencing the Police and Crime Plan

- 2.1 The Police and Crime Panel will encourage the Commissioner to have regard to the business cases and strategic assessments submitted by the individual authorities when developing his/ her Police and Crime Plan and subsequent commissioning arrangements.
- 2.2 CDCs will be sent a copy of all the draft iterations of the Police and Crime Plan that are submitted to the Panel and will be asked to return any comments or suggestions in advance of the Panel meeting during which the draft will be discussed.
- 2.3 CDCs are also asked to brief their authority's Panel Members in advance of any discussions on the Plan so the local perspective is sufficiently understood and so the Panel is made aware if the Plan does not have regard to the evidenced needs of communities across South Yorkshire.

3. Regular Exchange of Information and Intelligence

- 3.1 The four CDCs will each complete an annual briefing note for use by all Panel Members to support them in assessing the impact of the Commissioner across South Yorkshire.
- 3.2 All completed briefings notes are to be formally approved by the CDC Chair before submission.
- 3.4 Unless a request is made to the contrary, all submissions will be circulated to the other CDCs in South Yorkshire to allow comparisons and further linkages to be made.
- 3.5 CDCs will be encouraged to play an active role in developing and adapting the themes covered within the briefing note.
- 3.7 The briefing note will, at the very least, relate to:
 - The findings of any relevant investigations carried out at the local level
 - Plans for any future investigations at the local level which may be of interest or relevance to the Panel and/ or other CDCs in South Yorkshire.
 - Any concerns the CDCs want the Panel to be aware of, to either raise directly with the Police and Crime Commissioner or to investigate further.
 - Any suggestions about the way in which the Panel could better support or influence the approach of the Police and Crime Commissioner.
- 3.8 Panel Members will have sight of all of the completed briefing notes as well as a covering note highlighting any common issues or trends.

3.9 CDCs may also choose to arrange regular verbal briefings with the Panel Members representing their authority on the South Yorkshire Police and Crime Panel.

4. Co-ordinating Work Programmes

4.1 CDCs will submit the latest iteration of their work programmes along with their annual briefing notes.

4.2 These work programmes will then be circulated to the four CDC lead officers to help identify linkages across their work programmes and will also be used by the host authority (RMBC) to identify linkages between the work of the CDCs and the Panel.

4.3 In cases where the CDCs are due to carry out investigations that are likely to be of interest to the Panel, the Panel may request a short briefing note summarising the results of these investigations.

4.4 Where one or more of the CDCs are due to investigate the same issue the Panel may decide to carry out the investigation at a sub-regional level on behalf of all four CDCs or in conjunction with them.

4.5 If the Panel identifies an issue for concern which relates to only one of the South Yorkshire districts, the relevant CDC may be asked to lead on the resultant investigation with support from a Panel Member from that authority.

4.6 CDCs will be notified of such a request from the Panel at the earliest possible opportunity and the Panel recognises that the CDC response to these requests will be dependent on the availability of resources at that time.

4.7 Equally, the Panel's ability to lead on investigations on behalf of the CDCs will be resource and work load dependent.

5. Aligning Membership

5.1 Where possible, at least one Panel Member will sit on each CDC to ensure the Panel has a detailed understanding of local issues as well as the skills necessary to effectively scrutinise the Commissioner.

5.2 Where membership is not aligned in this way a Panel Member from each authority will be designated as the lead Panel Member for their authority's CDC and as such will contribute to CDC meetings and investigations as and when required and subject to existing workload pressures.

Endorsement

These principles have been endorsed by:

Appendix B: Draft Memorandum of Understanding between the South Yorkshire Police and Crime Panel and the Police and Crime Commissioner for South Yorkshire.

The South Yorkshire Police and Crime Panel (PCP) and the Police and Crime Commissioner for South Yorkshire (PCC) agree that they will work to achieve common aims of reducing crime and disorder in South Yorkshire in the following ways:

- Work in a climate of mutual respect and courtesy
- Have a shared understanding of their respective roles, responsibilities and priorities
- Promote and foster an open relationship where issues of common interest and concern are shared in a constructive way
- Share work programmes, information or data to reduce duplication of effort.

This does not preclude either body from working with any other local, regional or national organisation to deliver their aims.

Chair of the Police and Crime Panel

Police and Crime Commissioner

Role of the Police and Crime Commissioner (PCC)

The role of the PCC is to be the voice of the people and hold the Chief Constable to account. They are responsible for setting the priorities for the police force in South Yorkshire and having regard to the needs and demands of communities and ensuring that local and national priorities are suitably funded by setting a budget.

They will do this by:

1. Identifying community needs
2. Setting priorities that meet those needs in the Police and Crime Plan
3. Holding the Chief Constable to account for delivering an efficient and effective police service, ensuring value for money
4. Agreeing a budget for policing and setting a precept
5. Hiring the Chief Constable and, if necessary, calling upon them to retire or resign or dismissing them.
6. Having regard to reports and recommendations made by the PCP

Role of the Police and Crime Panel (PCP)

The PCP is responsible for supporting and challenging the PCC, including by scrutinising their actions and decisions. They will:

1. Review and make a report or recommendation on the draft Police and Crime Plan
2. Hold public meetings to consider the annual report of the PCC
3. Consider and make a report or recommendation on the Police budget and precept.
4. Review and scrutinise decisions by the Commissioner in connection with the discharge of their functions, including confirmation hearings for senior staff
5. Publish all reports and recommendations they make and send copies to the constituent local authorities
6. Receive and record complaints made against the PCC and Deputy PCC and promote the informal resolution of complaints that are not of a criminal nature

Working Arrangements:

The following working arrangements relate to the statutory functions of the PCP and how the two bodies will work together to ensure they are carried out smoothly and issues are dealt with promptly. Timescales can be amended with the agreement of the PCC and the Chair of the PCP.

The statutory functions are:

- a) Review the Police and Crime Plan
- b) Review the Annual Report
- c) Review the precept
- d) Review Senior Appointments
- e) Review the appointment of the Chief Constable

Police and Crime Plan

The PCP is a statutory consultee in relation to the Police and Crime Plan.

Process:

1. The PCC will ensure that the PCP is provided with a copy of the draft or variation at the earliest opportunity
2. The PCC will provide the PCP with details of any public consultation that has informed the plan
3. The PCP shall convene a meeting within 15 working days of receipt of the final plan to consider it. In most circumstances this meeting will have been pre-arranged in the annual work plan for the PCP, which they will publish at the beginning of each year.
4. The PCC shall attend the meeting of the PCP to present the plan and answer any questions
5. Following its meeting, the PCP shall make a report or a recommendation to the PCC no later than five working days following the meeting

6. Where this report suggests amendments to the plan the PCC will consider these and advise the PCP of his/her decision and reasons for this (if he/she does not accept the recommendation)
7. When the plan is re-visited or reviewed during its lifetime and this results in variations to the plan, the above process shall also apply
8. The PCP will request regular (quarterly) performance monitoring reports on progress against the Police and Crime Plan. Any under-performance should be explained by the PCC along with remedial actions.

Annual Report

The PCP is required by statute to review the annual report.

Process:

1. By July each year the PCC shall provide the PCP with a copy of his/her annual report
2. The PCP shall convene a meeting within 15 working days of receipt of the report to review it. In most circumstances this meeting will have been pre-arranged in the annual work plan for the PCP, which they will publish at the beginning of each year.
3. The Panel may accept and/or make a report or make recommendations about the annual report.
4. These reports/recommendations should be made within five working days following the meeting
5. The PCC shall consider these reports/recommendations and advise the PCP of his/her decisions and reasons for this (if they are not accepted)

Precept

The PCC will engage with a variety of partners as part of the budget development. This will be done in parallel to engaging with the PCP.

1. The PCC shall notify the PCP of the precept they are proposing, no later than the 1st February of that year.
2. The proposed precept will be in the form of a report, including the relevant budget papers, setting out how the precept was arrived at, the level of revenue to be generated and how this will be used.
3. The PCP shall convene a meeting to take place before the 8th February of the relevant year. In most circumstances this meeting will have been pre-arranged in

the annual work plan for the PCP, which they will publish at the beginning of each year.

4. The PCP may
 - a. Agree the precept without qualification or comment
 - b. Support the precept and make comments or recommendations concerning the application of revenues generated
 - c. Veto the proposed precept and will make a report to the PCC accordingly
5. Where the PCP uses option 4b above the comments and recommendations will be submitted within five working days. The PCC will consider these and advise the PCP of his/her decision, providing reasons if the recommendations are not accepted
6. Where the PCP uses option 4c above a report will be provided that includes a statement that they have vetoed the proposed precept, saying whether they think it is too high or too low. The PCC will consider the report and issue a response, including a revised precept. The PCP will review the revised precept by 22nd February of the relevant financial year, at the latest. A second report will be provided to the PCC, explaining whether the PCP accepts or rejects the revised precept (no further veto is available). He/she will respond to this second report by 1st March of the relevant financial year at the latest. A rejection of the revised precept does not prevent the PCC from issuing that revised precept as the precept for that financial year.

Senior officer appointments and removal

The PCP is required to review proposed new appointments by the Commissioner of:

- The Chief Constable
- Chief Executive
- Chief Finance Officer
- Deputy Police and Crime Commissioner

Senior appointments other than the Chief Constable

1. The PCC shall advise the PCP of any proposed appointment by providing the following information:
 - a. The name of the candidate
 - b. The criteria used to assess the suitability of the candidate

- c. How the candidate satisfies the criteria
 - d. The terms and conditions of the proposed appointment
2. The PCP shall hold a confirmation hearing within 15 working days of receiving this notification
3. Candidates shall be required to attend the confirmation hearing and may be questioned by the PCP members.
4. Following the hearing, the PCP will make a report/recommendation on the proposed appointment. The PCC shall consider the recommendation and report back on whether it is accepted or not, with reasons provided if it is not accepted.

Chief Constable – Appointment and removal

1. When the appointment is relating to the Chief Constable, following the confirmation hearing the PCP report will indicate whether it:
 - a. Supports the proposed appointment without any comment or recommendation
 - b. Supports the appointment with some comment or recommendation
 - c. Vetoes the proposed candidate including a statement and reasons
2. The PCC will then propose a reserve candidate and the PCP will conduct a confirmation hearing for the new candidate, within three weeks from the day it receives the notification.
3. Following the confirmation hearing, the PCP will make a report to the PCC with a recommendation as to whether the second candidate should be appointed – there is no second veto. The PCC will notify the PCP whether he/she accepts or rejects the recommendation.

Suspension/removal of Chief Constable

1. The PCC notifies the PCP that the Chief Constable has been suspended
2. The PCC notifies the PCP of whether he/she intends to ask the Chief Constable to resign, retire or to dismiss the Chief Constable, including reasons why and a copy of the written explanation provided to the Chief Constable. The PCC shall provide the PCP with a copy of any representations received from the Chief Constable in response.
3. The PCP shall hold a meeting in private, inviting both the Commissioner and the Chief Constable to attend and make representations.

4. The PCP shall make a recommendation in writing to the PCC but may consult with the Chief Inspector of Constabulary first.
5. Stages 3 and 4 above must be completed within 30 working days of receiving the notification from the PCC
6. The PCC cannot call on the Chief Constable to resign or retire until he/she has considered the report of the PCP. He/she may accept or reject the report of the PCP.

Suspension of the Police and Crime Commissioner and appointment of an Acting Police and Crime Commissioner

Suspension of the Commissioner

1. The PCP may suspend the PCC if they are charged with an offence which carries a maximum term of imprisonment exceeding two years
2. The PCC should inform the PCP immediately on being charged with any such offence. The PCP shall convene a meeting as soon as possible to take a decision on whether to suspend the PCC. The PCC will be entitled to attend for the purpose of making representations
3. Any suspension of the PCC shall cease if:
 - The charge is dropped
 - The PCC is acquitted
 - The PCC is convicted but is not disqualified because of the conviction
 - The PCP agrees to terminate the suspension
4. The PCP shall keep the suspension under review and will convene another meeting, should circumstances change, to consider whether the suspension should continue

Appointment of an Acting Commissioner

1. The PCP must meet to appoint an Acting PCC if:
 - The PCC is incapacitated and cannot carry out the functions of the office, or
 - The PCC is suspended
2. The office of the PCC shall inform the PCP immediately on learning that the PCC is incapacitated. The PCP shall convene a meeting as soon as possible to appoint and

Acting PCC, to be drawn from the PCC's staff at the time. The PCP will have regard to any views submitted by the PCC

3. The appointment of an Acting PCC shall cease:
 - When a new PCC is elected as a result of a vacancy arising
 - If the PCC is no longer incapacitated
 - If the suspension of the PCC has been lifted
4. The Acting PCC shall inform the PCP as soon as he/she learns that his/her tenure will be ending

Complaints

The PCP has issued a separate full procedure for the handling of complaints against the PCC, therefore it is not covered by this Memorandum of Understanding.

Holding the Police and Crime Commissioner to account

1. The PCP is responsible for reviewing and scrutinising decisions or actions taken by the PCC in discharging his/her responsibilities. This may include matters other than those contained within the Police and Crime Plan and the Annual Report. These will normally be agreed within the Work Programme, to be published at the beginning of the year
2. The PCC will be expected to attend all PCP meetings where he/she has an item on the agenda. If the PCC does not have an item on the agenda but the PCP wishes him/her to attend, they will issue an invite to the meeting
3. The PCC will provide the PCP with regular updates on the PCC's work programme, including decisions made and forthcoming decisions.
4. Where the PCC is required to provide information to the PCP, they will aim to provide 15 working days notice of the date of the meeting and the agenda item and information required. This will normally be published in the annual work programme at the beginning of the year.
5. The PCP may also require the Chief Constable to attend to answer questions which appear to them may be necessary to enable them to carry out their functions. This request will be forwarded via the PCC and the final decision as to whether the Chief Constable attends rests with the PCC
6. The PCP may invite persons other than those mentioned above to assist it to discharge its functions

7. Where the PCP makes a report to the PCC, it will publish such report on its website and send copies to the constituent local authorities, except where the information is exempt or confidential as defined in the Local Government Act 1972
8. The PCP may required the PCC to respond to the report at its next meeting. This response should also be published on the website