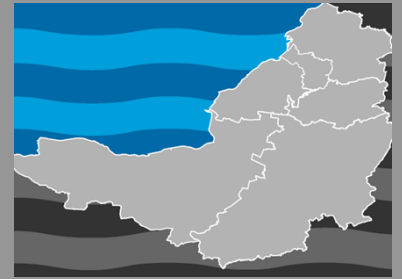


Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Democratic Services



Thursday 1st February 2018
10.30 am Town Hall, Walliscote Grove Road, Weston
Super Mare, BS23 1UJ

Membership:

Bath & North East Somerset	Cherry Beath
Bath & North East Somerset	Mark Shelford
Bristol City Council	Asher Craig
Bristol City Council	Afzal Shah
Bristol City Council	Mark Weston
Mendip District Council	John Parham
North Somerset Council	Nigel Ashton (Chairman)
North Somerset Council	Roz Willis
Sedgemoor District Council	Ann Bown
Somerset County Council	Neil Bloomfield
South Gloucestershire Council	Mike Drew
South Gloucestershire Council	Heather Goddard
South Somerset District Council	Martin Wale (Vice-Chair)
Taunton Deane Borough Council	Jane Warmington
West Somerset District Council	Stuart Dowding

Independent Members:

Bryony Ball, Joseph Mullis, Andrew Sharman

Contact Officer: Patricia Jones
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Agenda published: 24th January 2018
Somerset County Council
County Hall, Taunton
TA1 4DY



RNID typetalk



Agenda

Public Information Sheet

Guidance about procedures at the meeting follows the agenda. This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972. This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

1 **Apologies for absence**

2 **Public Question Time**

**** Public Guidance notes contained in agenda annexe ****

3 **Declarations of Interest**

The Statutory Register of Member's Interests can be inspected by contacting Patricia Jones in the Democratic Services Team on Tel: 07855 284506 or PLjones@somerset.gov.uk.

4 **Minutes of the meeting held on 13th December 2017 (Pages 7 - 16)**

To confirm as a correct record.

5 **Chairman's Business**

6 **Chief Constable Presentation**

7 **2018/19 Precept, Budget and Medium Term Financial Plan (Pages 17 - 20)**

8 **Commissioner's Update (Pages 21 - 24)**

9 **Reform of the Police Complaints Process (Pages 25 - 28)**

10 **Panel Arrangements and Rules of Procedure (Pages 29 - 62)**

11 **Scrutiny of Performance/Delivery against the Police and Crime Plan**

12 **Work Programme (Pages 63 - 64)**

13 **Standing Complaints Report (Pages 65 - 68)**

Possible exclusion of the press and public

Recommended – that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the following item, on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act (as amended).

14 **Complaint Update**

15 **Date of Next Meeting**

15th March 2018 at 10.30am

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Avon & Somerset Police and Crime Panel

Public Information Sheet

Inspection of Papers/Register of Member Interests

You can find papers for all our meetings on our website at www.somerset.gov.uk

Please contact Patricia Jones, Senior Democratic Services Officer on telephone: 01275 885788 if you wish to inspect the papers or the Statutory Register of Member's Interests.

Public Question Time

Members of the public may make a written statement to most meetings, provided that:

- the statement is received by the Democratic Services Team no later than **12.00 noon on the working day before the meeting**; and
- the statement is about a matter the Panel has responsibility for.

Statements should be e-mailed to PLJones@somerset.gov.uk or sent to Somerset County Council, Democratic Services Team, County Hall, Taunton, TA1 4DY.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in Public Question Time business, we will assume that you have consented to your name and the details of your submission being recorded in the papers circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record.

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Statements will not be posted on the council's website.

Process during the meeting:

- Public Question Time is normally one of the first items on the agenda. If a statement concerns a specific item on the agenda, it may be taken just before the item concerned.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- You may direct any questions or comments through the Chairman. You may not take direct part in the debate.
- Your time allocation may have to be strictly limited if there are a lot of submissions before the meeting.
- You do not have to speak or even attend the meeting at which your submission is being taken. However, if you do not present it, then it will not be read out. It will nevertheless be noted by Members.

Emergency Evacuation Procedure

In the event of a fire alarm sounding, you are requested to leave the building via the nearest available signposted emergency exit and make your way to one of the assembly points around the building. Officers and councillors will be on hand to assist.

Excluding the Press and Public

Occasionally, there will be items on the agenda that cannot be debated in public for legal reasons and these will be highlighted on the agenda as appropriate. In these circumstances, the public and press will be asked to leave the room and the Panel will go into Private Session.

Recording of Meetings

Somerset County Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the clerk so that the Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public are not filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



Minutes of the Police and Crime Panel

Tuesday 13th December 2017

Present:

Local Authority Representatives:

Nigel Ashton and Roz Willis (North Somerset Council), Asher Craig, Mark Weston and Afzal Shah (Bristol City Council), Neil Bloomfield (Somerset County Council), Jane Warmington (Taunton Deane Borough Council), Stuart Dowding (West Somerset District Council), Heather Goddard (South Gloucestershire Council), Dine Romero (Bath & North East Somerset Council), Ann Bown (Sedgemoor District Council).

Independent Members:

Joseph Mullis
Andy Sharman

Apologies for Absence:

Cherry Beath and Mark Shelford (Bath & North East Somerset Council), Mike Drew (South Gloucestershire Council), John Parham (Mendip District Council), Martin Wale (South Somerset District Council) and Bryony Ball.

Police and Crime Commissioner and Supporting Staff:

Sue Mountstevens (Avon and Somerset Police and Crime Commissioner), John Smith (Chief Executive, OPCC), Julian Gale (Monitoring Officer, Somerset County Council), Mark Simmonds (Chief Financial Officer, OPCC), Joanna Coulon (Criminal Justice and Commissioning Officer, OPCC), Patricia Jones (Senior Democratic Services Officer, Somerset County Council), DS Ashley Jones and DI Dickon Turner (Avon and Somerset Police)

1. Public Question Time

None.

2. Declaration of Interest

None.

3. Minutes of the meeting held on 24th October 2017



Resolved – that the Minutes of the meeting held on 24th October 2017 be confirmed as a correct record and signed by the Chairman.

4. Chairman's Business

There was none.

5. Prevent Strategy – Presentation

The Panel received a presentation on the national Prevent Strategy from Detective Inspector Dickon Turner.

The presentation provided an overview of the current terrorist threat picture and the duties placed on specified authorities to challenge radicalisation and prevent people being drawn into extremism. Attention was drawn to the safeguarding structures in place to support vulnerable people and the work delivered on the ground by Police and partner agencies to mitigate the risks in our communities.

Below is a summary of the observations and comments made by Panel Members:-

- The relationship between the Police and mosques in the south west was described as very good. However research by the Oasis Foundation suggested that 82% of radicalisation takes place in the most deprived areas and is more likely to affect individuals with no connection to mosques.
- A proportion of young Muslims believe Prevent is stigmatising the Muslim community and the Panel recommended that every opportunity is taken to work with these people. It was recognised that youth workers play a critical role in reaching vulnerable teenagers and that parents can often require support.
- There was discussion around the prevailing financial constraints and cut backs in services experienced by all partner agencies and the potential for this to result in a marked increase of people at risk - especially those from deprived backgrounds who are more likely to be targeted. It was acknowledged that partners are required to tackle a complex set of factors with limited resources but work would continue to focus on raising awareness of signs and indicators in schools, mosques and working groups.
- The push factors that exist in gang cultures and in prisons was discussed. It was noted that a multi-agency process is triggered on release into the community to assess behaviour, risk and vulnerability.
- It was reported that Building a Bridge was established in Bristol nine years ago in response to the Prevent Strategy and work was now underway to address the spike in right wing extremism in the south of the city. Unconscious racism and discrimination experienced by BAME residents in some communities could often be attributed to a lack social integration and the isolation of these communities.

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- Whilst the impact of social deprivation on the behaviour of certain individuals was accepted, the Panel drew attention to the link between radicalisation and wealthy highly educated individuals – also an established feature of extremism.
 - The Constabulary was alert to left wing extremism and associated anti-semitic rhetoric but had not yet received a referral relating to a specific incident.
 - The Panel discussed the importance of establishing links with pharmacies and chemical suppliers and sought reassurance that the work undertaken by Counter Terrorism Security Advisors and the associated Project Griffin remains a priority for the Constabulary. The Panel emphasised that both had been successful in providing relevant businesses with the appropriate security advice and engaging members of the community to work in partnership with the Police to detect terrorist activity. The Commissioner confirmed that mechanisms were in place to raise awareness with the chemical industry and agricultural suppliers and more information could be provided outside of the meeting.
 - It was reported that Schedule 7 detentions (enforced interviews) are used extensively at Bristol airport where officers are based on a rotated shift pattern. Flights are targeted based on intelligence and available resources, and behaviour/observation training is used as a basis for random and targeted checks on individuals. The Commissioner confirmed that she is kept informed of Schedule 7 numbers.
 - It was agreed that the headlines and often negative messaging of the mainstream media following a terrorist incident are divisive and potentially damaging to the efforts being made to curb extremism. Whilst the Freedom of the Press is a given, the public is at liberty to report issues of concern around the comments sections which are not actively monitored as part of the Prevent Strategy.

The Chairman reiterated the importance of creating a safe environment through a multi-agency commitment to community cohesion and tolerance.

7. Commissioner's Update

The Commissioner drew attention to the following key activities set out in detail in her report:-

- The Panel would be updated in the new year on the commissioning process for the **Sexual Assault Referral Centres**.
- **HMICFRS Inspections** – the Constabulary's overall rating on Legitimacy has been confirmed as 'good'. Areas for improvement will be monitored.
- **Criminal Justice Transformation Programme (CJTP)** – a Senior Responsible Officer will take up post in January 2018 to lead on a programme of work based on recommendations emerging from a whole system review of the service. Areas for immediate focus include issues emerging from the Lammy Review and the Bristol Manifesto Strategic Leaders Group.
- **Reducing Reoffending Board** – a range of workstreams are being taken forward by a range of agencies including Community Safety Partnerships. A report commissioned to build a picture

of recalls to custody and identify recommendations to ensure that rehabilitation and support is provided, has also been presented to the Board.

- **Service Delivery Assurance – Vulnerability** – a multi-agency Inquiry Day would be held in March 2018 to ensure the best possible services are provided to vulnerable residents in the community and ensure these people do not fall between the gaps. This would be attended by Councillor Willis as part of her role as Link Member.
- **Multi-Agency Data Analytics Project** – following an award of £3.2m in funding from the Home Office, the project will be taken forward by Lee Howell who has been seconded from his role as Chief Fire Officer for Devon and Somerset to manage a step change in the way the Constabulary handles analytics. A further report will be provided in 6 months time.
- **Fire Authority Governance** – as previously reported the Commissioner will take up a place on the Devon and Somerset Fire Authority once legislation is enabled to secure voting rights. It was noted that the invitation has also been extended to Alison Hernandez, PCC for Devon and Cornwall.

Following the successful bid to the Home Office, a consultant has been appointed to consider options for joint working between the Constabulary and Fire Authority and to inform possible future business case development.

A summary of the discussion that followed is set out below:-

- Police vehicles fitted with 4G wifi hotspots will be piloted in areas of Somerset and South Gloucestershire and rolled out more widely next year.
- The Commissioner was asked if changes around commissioning for restorative justice services are likely to detrimentally affect Yeovil in terms of referrals. It was noted that services have been restructured to move to a force-wide service and increase referrals. All providers had been asked to commit to a more consolidated approach as part of the commissioning process. The successful bid came from a Bristol provider and the service was implemented in June. Councillor Bloomfield was asked to notify the Commissioner of any issues affecting Yeovil.
- The Commissioner confirmed there had been an overall reduction in Enquiry Offices following a review. This had affected Williton Police Station in West Somerset and it was presently unclear how the pause on the merge between West Somerset Council and Taunton Deane BC would impact on the proposed move of the Police into West Somerset Council Offices. Further debate was understood to be taking place imminently. It was recognised that the nearest Enquiry Office was located at Minehead, 7.9 miles away.
- The Panel thanked the Commissioner for taking a firm stance on gender hate crime and asked to be kept informed of progress in this area.
- The Commissioner stated that the issue of stress at work was at priority for the Chief Constable. However, within the confines of a reduced workforce and complex demands, policing remained a challenging and often stressful occupation.
- The Panel was advised that the Constabulary was alert to the increasing number of shop thefts in West Somerset.
- The Commissioner sought the assistance of the Panel in promoting the recruitment of volunteers to the Independent Custody Visiting Scheme currently taking place across all 3

custody units (Keynsham, Bridgwater and Patchway). Further information about the scheme can be found at the following link: <http://www.avonandsomerset-pcc.gov.uk/Take-Part/Custody-Visiting.aspx>

8. Police and Crime Plan 2016/21 – Addendum

The Panel considered an addendum to the Police and Crime Plan 2016/21.

The Commissioner reported that the addendum had been produced in response to a number of key events both locally and nationally which have impacted on the strategic direction of the Plan.

The Panel welcomed the development of a new Police and Crime Needs Assessment in 2018 which would provide a solid evidence base for a new Police and Crime Plan for 2019/21. It was anticipated that this would be presented to the Panel in early 2019 with a view to publication in April 2019.

9. Scrutiny of the Budget and Draft Medium Term Financial Plan

The Panel considered a draft of the Medium Term Financial Plan.

The Chief Financial Officer reported as follows on the extent of the financial challenges predicted over the next five years:-

- It was emphasised that this report was based on the current known and assumed financial position at the time of writing and confirmation of the settlement and rules around the Precept cap was now expected on 19th December 2017.
- The ability to raise the precept by up to 5% would bring much needed flexibility (£9.00 on a Band D property would rise £5m)
- Details of a pay increase for officers is not known beyond this year and the unions have rejected a 2% staff increase. This was now the subject of a formal dispute.
- A cumulative and progressive deficit of £30m is predicted by 2023 before any savings are made. This includes cost increases resulting from the transition of services back from Southwest One.
- A £5m-£6m deficit is forecast next year - there are no plans to fund the budget deficit from reserves at this stage, the preference being to use reserves for transformation projects.
- £8m in savings are planned and work was underway with the Constabulary to achieve this.
- An ambitious recruitment programme will bring savings but the intake does not come cost free.
- Conscious decisions have been taken to employ comparatively higher number of PCSOs and call centre staff – access to the service is considered important as the estate continues to reduce.

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- Rationalisation across the estate and the fleet is in progress. Other planned savings include the transition of back office systems into the Multi-Force Shared Systems collaboration (MFSS), a reduction in the use of the force helicopter, a restructure of Enabling Services and a review of services for victims.
 - A forecast underspend in reserves of approximately £5m will provide an opportunity to manage change and risks emerging from the new Enabling Services in 2018/19 and the transition from Southwest One to MFSS.
 - Reports from partners on Council Tax predict a lower surplus growth and tax base. As a result, funding is predicted to increase by £17.7m over the next five years.
 - The planning assumption is to continue to raise the Precept by 1.99% (as set out in the table at page 38 of the report). However, in the event of more flexibility, a survey on the Precept indicates that 80% of people support an increase of 2% or more. This equates to £3.16 on a Band D property).
 - Fluctuations in inflation will be monitored and adjustments made accordingly. The operating model will continue to be refined but becomes increasingly difficult in the on-going drive for efficiencies. Mindful of the emerging picture, the Chief Constable feels a conversation with the public regarding the service is necessary.
 - Capital grant funding has reduced by 60% since 2010 resulting in the funding of capital programmes from reserves and receipts. The aim was to avoid borrowing and limit pressure on the revenue budget.
 - Enabling wifi on Constabulary mobile devices is on track with 1000 devices currently being used and the use of body-worn video cameras as a method of providing extra reassurance to the public is working well.
 - Risk of an increase in insurance premiums is being managed (predominantly civil claims). Reserves will continue to provide for self-insurance, making provision for the likely future cost of claims against the Commissioner and Chief Constable.
 - The Commissioner acknowledged the stark and worsening financial position of local authorities.

Below is a summary of the Panel's comments and observations:-

- It was clarified that income through the Apprenticeship Levy (£1m), had already been taken into account in budget planning.
- Additional counter-terrorism grant funding is restricted and passed directly to the Constabulary to use for related activities.
- The Panel sought clarification of the recruitment policy in the Neighbourhood Policing Teams – will an officer who retires be replaced? The Commissioner reported that the

Constabulary is losing 120 officers on average annually and Local Authorities will be consulted as part of a review of Neighbourhood Policing. However the location of officers and PCSOs remains a decision for the Chief Constable. It was acknowledged that officers are retiring faster than they are being recruited and likely to take some time before retiring officers are replaced.

- Detrimental tax implications and the impact on pension benefits inevitably act as a deterrent to officers who consider returning to work part-time following retirement.
- There are no known plans for Local Authorities to introduce a Late Night Levy, however it is acknowledged that night time economy establishments do invariably put pressure on police resources. Conditions to their operation can be imposed as part of the licensing process and breaches have led to the closure of some nightclubs and bars.
- Sponsorship opportunities are taken up when appropriate but the Constabulary is mindful of reputational implications and the impact on operational activities.

In conclusion, it was confirmed that further adjustments would be made on receipt of the grant settlement on 19th December 2017 and the Panel provided with the relevant updates as soon as possible.

10. Scrutiny of Performance/delivery against the Police and Crime Plan – Link Member reports

Andrew Sharman – Business Crime

Andrew Shaarman reported on Business Crime and highlighted the following key points:-

- The Business Forum last met on 28th November 2017 and continues to receive good support from the partners. Attention was drawn to the quarterly business crime statistics and local business crime meetings have commenced with positive feedback.
- Business crime trends and issues - recorded Business Crime rates are flat but there is a sharp increase in Somerset West. This is being investigated further by the Constabulary and local partners. There are some identified hot spots to tackle.
- Pioneering work by the Constabulary on CCTV upload for retailers and other businesses now enables them to upload their CCTV evidence directly to Force via an online portal form.
- The Constabulary continues to provide cybercrime briefings and updates on Operation Heron – a deter and disrupt plan for shoplifting that sets a higher criteria for police attendance. Some communication issues with businesses have been addressed and this has widely been accepted as a good initiative.
- Best practice has been shared around common issues such as homelessness, ASB, theft, persistent offenders and public space protection orders.
- The Constabulary has completed a review of their operating model and Local business crime issues will now be addressed through the Neighbourhood Policing and Partnerships Directorate. Cybercrime, major business crime, fraud and attacks on businesses by organised criminal gangs will be investigated via the Investigations Directorate and/or the Regional organised Crime Unit. Good progress has been made in assigning these

responsibilities and the Neighbourhood Policing and Partnerships Directorate are supporting the Business Crime Forum.

- The Neighbourhood Policing and Partnerships Directorate has identified high demand hotspots for business crime and resources will be targeted to tackle this demand in an ongoing initiative.
- the emerging issue of GDPR will be discussed with the Constabulary and Business crime partners in the coming months.

Councillor Willis – Vulnerability

Councillor Willis confirmed that she has met with Marc Hole, Commissioning Manager in the OPCC following her appointment as Link Member for Vulnerability at the last meeting. She will now participate and input as a member of the Victims Services Re-commissioning Governance Board established to coordinate and oversee the re-commissioning of Victim Services up until the contract award in April 2019.

Councillor Craig – Representative Workforce

Referencing her full report to the last meeting, Councillor Craig reiterated her thanks to the Commissioner and the Chief Constable for their strategic and operational contributions to this work area.

11. Work Programme

The Panel noted the following reports have been added to the Work Programme for consideration on 15th March 2018. :-

1. Recall of offenders on Licence
2. Stop and Search – powers/responsibilities/rights

12. Standing complaints Report

The Panel considered and a report of the Chief Executive (OPCC) providing an oversight of all complaints made against the Commissioner. It was noted there had been no further complaints since the last meeting.

It was noted that complaint case 24 remains open, as was the case in the last two reports to the Panel and is currently being reviewed by Bristol City Council who received the initial complaint.

The Panel also noted that Complaint case 26 is currently on hold at the request of the complainant who is awaiting progress on an associated complaint against Kent Police.

13. Date of next Meeting

- 1st February 2018 at 10.30am (Weston Town Hall)

(The meeting ended at 1.00pm)

Chairman -

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AVON AND SOMERSET POLICE AND CRIME PANEL

1 FEBRUARY 2018

PRECEPT PROPOSAL FOR 2018/19 AND MEDIUM TERM FINANCIAL PLAN UPDATE 2018/19 - 2022/23

REPORT OF THE CHIEF FINANCIAL OFFICER OF THE OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR AVON AND SOMERSET

SUMMARY

The Medium Term Financial Plan (MTFP) has been updated to reflect the announcements made in the provisional police funding settlement. The Minister announced “£450 million extra” funding for police, of which the Minister confirmed that £270m would be raised by PCCs increasing their average Band D police council tax precept by £12 per annum. In addition, the main police grant is now frozen for two years.

In light of the issues set out in the Tipping Point report, the PCC is proposing to raise the council tax precept in 2018/19 by £12 per annum for an average Band D household, taking advantage of the greater precept flexibility offered in the funding settlement. The same flexibility may be offered in 2019/20 if PCCs and Chiefs meet as yet undefined criteria for efficiency, productivity and transparency on use of reserves.

As a consequence of these changes:

- Average council tax payers will pay £1 per month more for their local police service;
- Total net PCC income will increase by circa £7 million more than previously forecast next year;
- If the PCC took advantage of the full £1 a month increase for 19/20 also then the PCC can present a balanced budget in the next three years and can fund the capital programme within borrowing limits;
- Even if the full increase is taken for both years the PCC still needs to find and deliver £16 million savings by 2023, being £8 million savings already planned and a further £8 million required by 2021-2023;
- If the full increase is taken in both years the PCC is able to protect frontline police numbers over the next three years;
- No final decision will be taken on 2019/20 budget until Feb 2019 following further consultations.

Revised precept proposals	Actual	Forecast				
	17/18	18/19 PROPOSAL	19/20 Planning assumption	20/21 Planning assumption	21/22 Planning assumption	22/23 Planning assumption
Av. Band D Precept	£181.81p	£193.81p	£205.81p	£209.91p	£214.08p	£218.35p
Annual Increase %		+6.6%	+6.2%	+1.99%	+1.99%	+1.99%
Annual Increase £p		+£12p	+£12p	+£4.10p	+£4.17p	+£4.27p

REVISED FORECAST REVENUE OUTLOOK

	Actual	Forecast				
	17/18 £'millions	18/19 £'millions	19/20 £'millions	20/21 £'millions	21/22 £'millions	22/23 £'millions
Total funding previously reported	277.6	277.6	278.8	280.3	281.9	283.7
REVISED funding assuming £12 rise in Band D precept	277.6	284.6	293.1	294.8	296.7	298.8
Less; budget requirement increased capital funding	277.6 0	288.9 0	294.7 5	301.3 1.0	308.2 0.5	314.3 0.5
Increased funding less increased capital spend	0	7	9.3	13.5	14.3	14.6
Deficit previously reported	0	11.3	15.9	21.0	26.3	30.6
REVISED Deficit = total savings required	0	4.3	6.6	7.5	12	16
Planned savings	0	(4.4)	(6.6)	(7.5)	(8.3)	(8.3)
REVISED Outlook	balanced	balanced	balanced	balanced	£4m deficit	£8m deficit

KEY BUDGET ASUMPTIONS – UPDATES AND CHANGES SINCE THE DECEMBER REPORT TO PCP

- Police council tax precept rises by £12 for average Band D home in each of the next 2 years, then rises by 1.99% thereafter. This is subject to further consultation in 2018 (see notes below) and is subject to this flexibility still being available to PCCs which is not guaranteed;
- The Main Police Grant is now frozen for the next two years (previously we had assumed a 1.5% reduction each year);
- A new comprehensive spending review will be in place for 2020/21 alongside a new police funding formula. We do not have any detail on how this will impact our funding and have assumed that the net impact will be 1.5% reductions in main grant every year from 2020/2021;
- Savings: The planned Enabling Services savings and MFSS savings have not changed in total value, but have been phased more cautiously as the MFSS programme will not achieve April 2018 go live and is being re-planned currently;
- The underspend forecast from 2017/18 will be used to manage the costs of transformation and fund capital in year, so reducing and delaying the need to borrow new debt finance;
- Annual uplift to officer and staff pay remains at 2% p.a. – an increase in cost of £24 million p.a. by 2022/23;
- Student officer recruitment will aim for at least 200 in 2018/19 and then 150-200 per annum thereafter depending on the rate at which police officers leave the Force;
- Increases have been made to the amount of revenue funding for capital:
 - Annual increases in revenue funding for capital up to £3.0m p.a. by 2022/23;
 - New injection of revenue funding for capital of £5 million (as required by the capital plan) is made in 2019/20;

These two measures now balance the forecast capital plan and delay the need for new borrowing.

CONSULTATION – VIEWS ON POLICE PRECEPT

Our rolling telephone survey data is based on 3,000 responses per annum. *We currently have data for ¾ of the year until end of September (the data for the end of December will be available by the end of January).* The percentage of people who would support an increase is 81%.

Since the police funding announcement on December 19, the PCC has sought to inform local people of the new funding flexibility and has issued press releases, given media interviews and issued statements on the PCC website and social media. The PCC has been inviting feedback during January 2018 from the local community on their willingness to pay £12/year more to protect their policing service.

On Wednesday, January 10 the PCC visited Bristol, Weston-super-Mare, Bridgwater and Chard and spoke to 379 people. Of those people 85% supported the £12 rise, 14% did not and 1% were unsure. The PCC has also spoken to 80 people at public meetings in Bath, Bristol and South Gloucestershire where 71 people were in favour of a £12 rise and 9 people were not (89% in favour /11% not in support). The PCC has also received 152 correspondence from residents, with 69% supporting a rise, 22% not in favour of a rise and 9% unsure.

From the 610 people we spoke to in January, 82% were in favour of a £1 rise, 16% not in favour of a rise and 2% of people were unsure.

In addition, we ran a boosted Facebook campaign from December 29, 2017 to January 17, 2018. During that time the post reached (appeared in people's Facebook timelines) over 29,950 people, was shared 96 times and received 478 comments. Although some individuals have been clear in their 'Yes' or 'No' response, others have not without further questioning we cannot be 100% sure of their answer to our question or whether they live in the force area. These responses can only be included as part of our collated qualitative feedback. For example:

"Yes without a doubt. If people could see how much their resources have been cut over the last 20 years. These are men and women doing a great job under testing circumstances..."
"Definitely, if it goes on frontline policing."
"No we pay enough council tax and tax on our earnings."
"No way, we never see them in our village."

Locally we note that Devon & Cornwall, Dorset and Wiltshire PCCs are all proposing to raise their police council tax precept by £12.

The PCC will now consider how to consult further and in more depth with local people during 2018 before any final decision on the 2019/20 precept.

ONGOING DRIVE FOR EFFICIENCY

The PCC will continue to work closely with the Chief and hold him to account for ongoing efficiency and productivity improvements and to ensure that any additional funding is invested to protect and improve the police service to local people. In 2018 key efficiency programmes already highlighted include:

- Restructure of enabling services with savings in excess of £4million/per annum;
- End of SW1 contract, restructure of ICT services;
- Move to Multi Force Shared Services solution for financial and back office (ERP) systems;
- Roll out of Mobile technology;
- Further enhancements to digital evidence capture and storage; and

- Further development of data analytics, including multi agency data sharing and analytics project funded by the Home Office Transformation Fund award to Avon & Somerset.

RESERVES AND MANAGING RISK

- Total reserves will reduce from £44 million (March 2017) to under £40 million at March 2018 as reserves are used to fund capital projects and transformation projects. The final position will depend on the outcome of change and capital projects by the end of the year. Reserves will continue to decline in the medium term as they are used for change and capital projects in the coming years.
- Our risk assessed, general fund is set annually by the PCC's Chief Finance Officer in consultation with the Chief Constable's Chief Finance Officer, and after a consideration of all risks facing the PCC.
- Risks identified as increasing are the potentially significant cost to PCCs of delays in the national Emergency Services Mobile Communications Project (ESMCP - replacement for Airwave); and delays in the transition of Avon & Somerset from SW1/SAP to MFSS/Oracle. However the risks of not delivering a balanced budget have reduced in the short term if the revised precept proposal is adopted.
- The General Fund balance is a quarter of the total reserve balance held and is recommended for a net reduction from £10.4 million to £9.9 million (3.7% of our current Net Revenue budget).

RECOMMENDATIONS

- **The Panel are invited to note this budget update paper;**
- **The Panel are invited to consider the PCC's proposal to increase the police council tax precept by £12 per annum for an average Band D taxpayer in 2018/19.**

Mark Simmonds
Chief Financial Officer
Office of the Avon and Somerset Police and Crime Commissioner

AVON AND SOMERSET POLICE AND CRIME PANEL

COMMISSIONER'S UPDATE REPORT

1 FEBRUARY 2018

The following briefing provides an update for Panel Members on key activities since the last Panel meeting on 13 December 2017.

Commissioning and Partnership Working

A&S Criminal Justice Transformation Project

As Panel Members will recall, partner funding has been secured, match-funded by the Commissioner for the appointment of a Senior Responsible Officer for a two-year period to lead and deliver a programme of work to transform the local criminal justice service. The successful candidate took up post in January and will present an implementation plan and proposals for work to trial changes in ways of working to the Steering Group meeting in early February. Coordinating the local response to recommendations of the Lammy Review on disproportionality in the criminal justice system and findings of the government's Race Disparity Audit is an early priority, including contributing to work by the Bristol Manifest for Race Equality on this issue.

Avon and Somerset Reducing Reoffending Board

The Reducing Reoffending Board met on 24 January to consider findings of a review carried out by Crest Advisory on current arrangements for offender management in Avon and Somerset and options for future local flexibility to strengthen delivery in the future. The Board will also consider proposals for future governance and support arrangements following the first year of operation. The OPCC has been successful in securing resources through a 6 month secondment from the Civil Service Faststream Scheme to coordinate and support development of the Reducing Reoffending agenda in the coming year. Following the request for partners to consider resources available to support delivery, partners have come forward to lead workstreams established to deliver priorities set out in the strategy. A report on progress in relation to Reducing Reoffending, including an update on work carried out by the Behavioural Insights Team on recall to custody will be brought to the Panel in March.

Victim Services Recommissioning

Preparatory work continues to commence recommissioning of local victim services. As Members will recall, current services were commissioned by the OPCC when responsibility was devolved from the Ministry of Justice in 2013. The OPCC has invoked the clause to extend services for an additional year (2018/19). A Victims Recommissioning Board has been established, with membership including the PCP Link Member for Vulnerability. A Commissioning Support Officer has been appointed on a fixed term contract to support this area of work, and will take up post at the end of January. The first key piece of work in this process is to commission and deliver a needs assessment – work is well underway with the final report due in February.

Joint Commissioning Work

SARC Services

The Evaluation and Moderation phase of the procurement will shortly reach its conclusion with successful providers due to be announced in February 2018. The new service will commence in October 2018 allowing a six month mobilisation period.

Custody and Courts Referral Service

Following a commissioning process, the successful provider of the Custody and Courts Referral service will be announced. The OPCC and NHS England will be working with the successful provider as part of the mobilisation period. The new service, which sees existing Liaison and Diversion and AIRS services come together into a single integrated service is due to launch on 1st April.

Commissioner's Community Action Fund (CCAF)

The Police Community Trust will meet at the end of January to allocate grants for Quarter 4 of the 2017/18 round of the Commissioner's Community Action Fund. Further information about how to apply and details of projects supported by the fund can be found at the following link:

<http://www.avonandsomerset-pcc.gov.uk/Partnerships/Commissioners-Community-Action-Fund.aspx>

Governance, Scrutiny and Inspections

HMICFRS Inspections

The PEEL Legitimacy Inspection report was published on 12 December. The Constabulary was graded 'good' overall and improved in two areas: receiving an 'outstanding' rating for the fairness and respectful way it treats the people it serves (previously 'good') and judged as 'good' at treating its workforce with fairness and respect (previously 'requires improvement').

The Commissioner has published responses to the PEEL Efficiency inspection report (where the Constabulary was graded as 'good') and to recently published thematic responses on modern slavery and domestic abuse. The 2017 PEEL Effectiveness Inspection 'hot debrief' took place at the end of November and the findings will be known in February 2018.

The completion of all recommendations made within inspection reports is monitored within the Police and Crime App, and scrutinised at the Joint Audit Committee, and the Constabulary have a well-established working group, overseen by the Deputy Chief Constable to ensure actions are progressed.

Service Delivery Assurance – Vulnerability

The OPCC team have been carrying out assurance activity aligned to the Plan's primary priority of 'Protect the most vulnerable from harm'. This has involved carrying out an audit on information held on policing systems in relation to individuals who have reported they are persistently targeted victims of anti-social behaviour, commissioning related internal

assurance work for reports to come to the Police and Crime Board, understanding the design principles of the newly developed victim management App, observing Local Tasking Meetings, and organising a multi-agency enquiry day.

The enquiry day will be held on 9 March 2018. A panel comprising the Commissioner, the Bristol Mayor and a member of the Board of Trustees for SARI will hear from key agencies including Avon & Somerset Constabulary, Bristol City Council and Stand Against Racism and Inequality (SARI) about the individual lessons which have been learnt from the tragic and troubling case of Mr Bijan Ebrahimi, and to understand how the agencies now work together to share information, carry out early intervention and to protect vulnerable residents within Bristol.

Scrutiny of Police Powers Panel

The third Scrutiny of Police Powers Panel meeting took place on 19 December 2017, at Patchway Police Centre, with the newly elected Chair and two Vice Chairs appointed and having planned the agenda and meeting format. Cases are randomly selected during each meeting and at the beginning of the next meeting there will be a Constabulary update on use of police powers, use of force, and Stop and Search statistics, including the new publication of data. Panel members review Body Worn Video (BWV) camera footage of incidents of Stop and Search within the 3 categories of under 16s, BME and removal of more than a Jacket, outer garment or gloves, noting whether or not the Grounds for the Stop and Search were appropriate as well as the Officer handling of the situation. Stop and Search grounds are also reviewed for the appropriateness of encounters where there is no BWV footage. Panel members considered statistics for 3 months from 1 September to 30 November 2017 for Taser use, stop and searches. Spit guard use will be a review item for the future meeting agenda in 2018. The Panel's reports are published on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Scrutiny-of-the-use-of-Police-Powers.aspx>

Independent Residents' Panel

The Independent Residents' Panel (IRP) scrutinised completed cases of complaints - made by members of the public against Avon and Somerset Police - at their meeting on 7 December 2017. The themes selected by the Panel were complaint allegations under the IPCC category of 'Other neglect or failure in duty' (the largest number of complaint allegations for Avon and Somerset Constabulary, 458 allegations this financial year, 1 April to 30 September 2017) and 'Other irregularity in procedure' (23 from 1 April to 30 September 2017). Also, particular attention was given during the complaint case reviews to ensuring that the Complaints Investigation Officer updated the complainant at least every 28 days. Also, as standard practice, a selection of complaints are reviewed that have been resolved by the 'informal/early resolution' method. During October 2017 the total number of successfully completed informally resolved complaints was 32. There were also 74 formally recorded complaints. The Panel's reports are published on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Independent-Residents-Panel.aspx> .

Out of Court Disposals Scrutiny Panel

The Out of Court Disposals Scrutiny Panel met on 6 December to scrutinise cases involving drug misuse. The theme was selected in recognition of the impact of alcohol harm and drug

misuse on society and as a 'driver of demand' for the emergency services. In preparation for the meeting, Panel Members were invited to view the BBC documentary, *Drugsland*. The series was filmed in Bristol and follows police, council and drug support agencies working to tackle drug misuse and highlights the complex underlying issues, challenges in policing and the impact on local communities. The series features the work of the Drugs Education Programme, offered as a diversion for first-time offenders caught in possession of drugs. A total of 22 cases were scrutinised. The Panel found that 6 were appropriate, 9 appropriate with observations and 7 inappropriate. The Panel report, together with the Constabulary response to recommendations, will be published at the following link: <http://www.avonandsomerset-pcc.gov.uk/Take-Part/Out-of-Court-Disposal-Scrutiny-Panel.aspx>

National Update

The Commissioner was asked to give evidence in relation to Police Funding at the Home Affairs Select Committee on 14 November and described the issues set out in the Tipping Point paper especially around the challenges of increased costs and increased pressures on partners. The PCC and the Chief Constable also met with the Policing Minister and with local Members of Parliament to discuss funding and other issues.

The Panel will recall that the Constabulary has secured £3.2m funding from the Home Office to carry out a multi-agency data analytics project in Avon and Somerset. The Chief Fire Officer for Devon and Somerset Fire and Rescue Service has been seconded as the Programme Director. Progress will continue to be reported to the Panel.

As Panel Members will recall, the Commissioner has secured Home Office funding to provide early legal, financial, HR and other technical advice to support Police and Crime Commissioners (PCCs) and Fire and Rescue Authorities (FRAs) to consider options for joint working between Police and Fire under the powers of the Police and Crime Act 2017 and inform possible future business case development. Contractors have now been appointed and a final report will be published before the end of the current financial year.

The OPCC continues to liaise with a number of other OPCCs and the Home Office in relation to governance of local Fire and Rescue Services. In addition the OPCC has responded to consultation on Home Office regulations with respect to PCC representation on Fire Authorities.

Contact Officer - John Smith, Chief Executive

AVON AND SOMERSET POLICE AND CRIME PANEL

1 FEBRUARY 2018

POLICING AND CRIME ACT - CHANGES TO THE POLICE COMPLAINTS REGIME

REPORT OF THE CHIEF EXECUTIVE OFFICER OF THE OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR AVON AND SOMERSET

BACKGROUND

The Policing and Crime Act 2017 introduced various changes to the Police Complaints regime including:-

- Changes to the ability of police officers subject to misconduct proceedings to resign and changes to the barred officers list arrangements;
- Changes to the Independent Police Complaints Commission structure and constitution including a change of name to the Independent Office for Police Conduct (IOPC) (which took effect on 8th January 2018);
- The introduction of the concept of super complaints – which has not yet taken effect; and
- The introduction of changes to the Police Complaints Regime including an enhanced role for Police and Crime Commissioners (expected to take effect in 2019).

This paper sets out the changes to the Police Complaints regime in more detail and describes the approach being taken in Avon & Somerset to these changes.

Overview of the changes to the Police Complaints regime

The Policing and Crime Act made a number of changes to the police complaints regime in order to increase public confidence and to simplify the system. These changes included:-

- Introducing a broader definition of a complaint;
- Allowing low level customer services issues to be resolved informally outside of the formal process;
- Requiring that all complaints are recorded unless the complainant withdraws the complaint or it is decided to address it informally;
- Removing the different options for handling complaints and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner; and
- Simplification of appeal points so that there is one right of appeal in relation to the outcome of the complaint.

The Act also seeks to strengthen the role of Police and Crime Commissioners in the complaints process. It introduces new duties which are mandatory and also allows Police and Crime Commissioners to choose to take over a number of functions. It will also allow Police and Crime Commissioners to delegate their complaint handling powers.

There are three options under the Policing and Crime Act for Police and Crime Commissioners:-

Option 1 – Reviews - Mandatory

The PCC will have an express duty in relation to the oversight of the complaints process. Police and Crime Commissioners will become the body to deal with all reviews (currently known as appeals) which are currently heard by the Chief Constable – this does not include appeals in relation to potentially criminal or serious misconduct issues which will be heard by the IOPC.

Option 2 – Customer Service approach for low level complaints

Police and Crime Commissioners may choose to receive and record all complaints and to resolve low level complaints outside of the formal process.

Option 3 – Single Point of Contact with Complainants

Police and Crime Commissioners may decide in addition to options 1 & 2 to become the single point of contact with complainants throughout the process unless the matters are being investigated by the IOPC. However, formal investigation of complaints will still remain with police forces.

The timetable for the introduction of these changes to the Police Complaints regime is not currently clear. It was originally intended that they would take effect in June 2018. It is now expected that this will be delayed until at least March 2019.

The position in relation to the Police Complaints changes in Avon & Somerset

Police and Crime Commissioner Sue Mountstevens made reform of the police complaints regime one of her early priorities in her Police and Crime Plan. In 2013 the PCC set up an Independent Residents Panel to review the handling of complaints and make recommendations for improvements in Avon & Somerset. The Independent Residents Panel publishes its reports and these are available on the PCC's website.

The PCC and the Independent Residents Panel supported the introduction of a more customer serviced focussed approach to lower level complaints and following a peer review of Avon & Somerset's complaints system by Derbyshire Constabulary in 2014, Avon & Somerset Constabulary introduced a customer service lower level complaints handling process in 2015. This team has been visited by the OPCC and the Independent Residents Panel and now handles approximately 30% of complaints/contacts received by Avon & Somerset Professional Standards Department. The OPCC continues to visit the team and suggest developments.

In August of 2017, the PCC decided at the Police and Crime Board to adopt Option 1 of the Policing and Crime Act changes, the Mandatory option, to take over the review/appeals process for police complaints from the Chief Constable. The PCC also decided not to take up options 2 and 3 at this stage but to continue to keep this under review pending the ongoing development of the customer service approach and the improvement work within the Avon & Somerset Professional Standards Department following the peer review.

The PCC has asked the Chief Executive of the OPCC to set up a task and finish working group in order to handle the implementation of changes in Avon & Somerset and this group has already met. The PCC has also asked that the manner of handling the police complaints review process includes a significant role for the Independent Residents Panel.

The OPCC will continue to update the Police and Crime Panel on progress against these deliverables and on the expected timescale for implementation of the relevant aspects of the Policing and Crime Act.

CONTACT OFFICER

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Avon and Somerset Police and Crime Panel

1st February 2018

Title: Panel Arrangements and Rules of Procedure

Recommendation:-

The Panel is requested to:-

- (i) Review the proposed amendments to the Panel Arrangements document in advance of its referral to the Constituent Authorities for endorsement as required by Schedule 6 Part 2 section 3 of the Police Reform and Social Responsibility Act 2011.
- (ii) Agree the proposed amendments to the Panel's Rules of Procedure.

1. Summary

The initial set up arrangements for the Avon and Somerset Police and Crime Panel were overseen by a Joint Selection Committee of all Avon and Somerset Council Leaders (LJSC). The Panel Arrangements document emerging from these discussions and agreed by the LJSC on 11th June 2012, is attached as Appendix 1 to this report and sets out the Panel's governance arrangements.

The change in administering authority now concluded, the Panel is taking the opportunity to review its operating arrangements and ensure that it runs as effectively as possible and continues to fulfil its statutory functions.

In accordance with Schedule 6 Part 2 section 3 of the Police Reform and Social Responsibility Act 2011, the Panel is required to seek the endorsement of the Constituent Authorities before any amendments to the document can be adopted.

2. Purpose of the report

The purpose of this report is to keep members sighted on the content of the document and proposed amendments before the Constituent Authorities are invited to endorse it.

The version of the document presented at Appendix 1 is the one agreed by the LJSC on 11th June 2012 with proposed amendments highlighted for ease of reference and a new

Annex A that sets out the Panel's proposed method of contribution in the event of a shortfall in funding. This was agreed by the Panel on 24th October 2017 and is based on population estimates and an assumed deficit of £10,000 (although the Panel continues to operate within budget). This method of contribution accords with the principle of indemnity agreed by the LJSC in 2012 which requires the Constituent Authorities to offset any shortfall should running costs exceed the available funding (reference paragraph 5.2).

The Rules of Procedure are referenced at paragraph 9 of the Panel Arrangements and it is for the Panel to agree any amendments. The version presented to you for consideration at Appendix 2 is the version adopted by the Panel on 31st October 2012 with proposed amendments highlighted.

3. Conclusion

The Panel operates within a governance framework previously agreed by the Constituent Authorities in 2012. Due to the passage of time and the experience of the Panel in the intervening period, there are some amendments which can be usefully incorporated into these arrangements. Following consideration by the Panel and endorsement by the Constituent Authorities, the Panel Arrangements document may be formally adopted by the Panel.

Following agreement, the revised Rules of Procedure will guide how business is conducted and will ensure that the Panel meets its statutory requirements.

Patricia Jones (Clerk)

Avon and Somerset Police and Crime Panel

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Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



Panel Operating Arrangements

The Panel Operating Arrangements were originally agreed by the Leaders Joint Selection Committee on 11th June 2012 and were subsequently reviewed and endorsed by the Constituent Authorities in 2018.

Published:

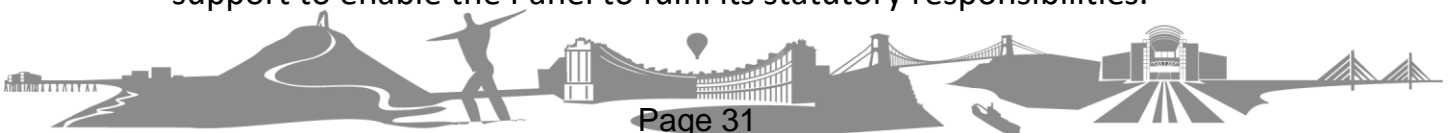


This document was agreed on behalf of the following Constituent Authorities:-

- Bath & North East Somerset
- Bristol City Council
- Mendip District Council
- North Somerset Council
- Sedgemoor District Council
- Somerset County Council
- South Gloucestershire Council
- South Somerset District Council
- Taunton Deane Borough Council
- West Somerset District Council

In this agreement:-

- the above 10 Authorities are referred to singularly as ‘the Authority’ and together as ‘the Constituent Authorities’
- the ‘Panel’ is the Police and Crime Panel for the Avon and Somerset Police Constabulary
- the “Clerk” is the administrative, scrutiny and complaints support to the Panel
- the ‘Host Authority’ is the council responsible for providing the necessary officer support to enable the Panel to fulfil its statutory responsibilities.



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- the 'Act' is the Police Reform and Social Responsibility Act 2011
 - the "Panel Operating Arrangements' are the arrangements for the establishment and maintenance of a Police and Crime Panel
 - the "Rules of Procedure" are the rules which determine how the Panel will carry out its key functions pursuant to Schedule 6 paragraph 25 of the Act.

1. Background

- 1.1** Avon and Somerset force is a multi-authority Police area as defined in Schedule 1 of the Police Act 1996. The Constituent Authorities must agree to the making and modification of the Panel Arrangements. If the Constituent Authorities are not able to agree the Panel Arrangements, the Secretary of State is able to establish a Police and Crime Panel for the Police Area.
- 1.2** The Panel Operating Arrangements document will normally be reviewed by the Panel and referred to the Constituent Authorities every 2 years (next review to take place in February 2020). If any changes are recommended to the contents these will be submitted to the Authorities for approval. The agreed document will then be presented to the Panel for information at its next scheduled meeting. The document may be reviewed and amended in the intervening period subject to any statutory changes and guidance that impact on the operation of the Panel.
- 1.3** Each Authority and Panel Member must comply with the Panel Arrangements.
- 1.4** The Act provides for the election of a Police and Crime Commissioner ('the Commissioner') for the Avon and Somerset Police area and the establishment and maintenance of a Police and Crime Panel ('the Panel').
- 1.5** The functions of the Panel are to be exercised with a view to supporting the effective exercise of the functions of the Commissioner.
- 1.6** The Panel is a scrutiny body with responsibility for scrutinising and supporting the Commissioner and promoting openness in the transaction of Police business in the Avon and Somerset force area.

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- 1.7** The Panel must have regard, in addition to any statutory requirements, to any advice and protocols issued by the Home Secretary in respect of the role of the Commissioner, the Chief Constable and the Panel.
- 1.8** The Panel is a Joint Committee of the Constituent Authorities and as such ~~is~~ **may** **be** subject to the requirements of the Local Government Act 1972 and subsequent legislation.

2. Functions and Terms of Reference

- 2.1** The overarching role of the Panel is to scrutinise the work of the Commissioner in the discharge of the Commissioner's functions and in order to support the effective exercise of those functions.
- 2.2** The Panel can only exercise functions as conferred by the Act.
- 2.3** The Panel is a statutory consultee on the development of the **Police and Crime Plan** and must:-
- i) Review the draft Police and Crime Plan (or any variation to it); and
 - ii) Report and/or make recommendations on the draft Plan which the Commissioner must take into account.
- 2.4** The Panel must comment upon the Annual Report of the Commissioner and for that purpose must put questions to the Commissioner at a public meeting. The Panel may make a report or recommendation (as necessary) to the Commissioner on the Annual Report.
- 2.5** The Panel must hold **Confirmatory Hearings in respect of proposed senior appointments** made by the Commissioner. This includes the posts of the Chief Executive Officer, the Chief Finance Officer and any Deputy Commissioner in accordance with the requirements set out in Schedule 1 of the Act. The Panel will review the appointments and make a report and/or recommendations to the Commissioner.

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- 2.6** The Panel must hold a **confirmation hearing in respect of the appointment of the Chief Constable**. The Panel has the right of veto for the appointment of the Chief Constable in accordance with the Act and Regulations.
- 2.7** The Panel must review the **Precept** proposed by the Commissioner in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the Precept in accordance with the Act and Regulations made thereafter.
- 2.8** The right of veto will require that at least two-thirds of the persons who are **Members of the Panel at the time when the decision is made** to vote in favour of making that decision.
- 2.9** The Panel may appoint an Acting Commissioner if necessary. **The Panel has an agreed protocol to deal with a mid-term vacancy.**
- 2.10** The Panel may suspend the Commissioner if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.11** **If the Commissioner exercises the power to call for the resignation of a Chief Constable pursuant to Section 38(3) of the Act, the Panel must hold a scrutiny hearing in private before making any recommendation on the proposal. The Panel may consult the Chief Inspector of Constabulary and may consider representations from the Commissioner and the Chief Constable on the proposed removal.**
- 2.12** The Panel may carry out in-depth reviews into the work of the Commissioner. This work may be delegated to a Sub-Committee or Task Group.
- 2.13** The Panel may require the Commissioner or a staff member of the OPCC to attend the Panel to answer questions in certain circumstances.
- 2.14** The Panel may require the Commissioner to respond in writing to a report or recommendation of the Panel.
- 2.15** The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

Note: The detail behind how the Panel will carry out the key functions listed above is contained in the Panel's Rules of Procedure.

3. Membership

Elected Members

- 3.1** The minimum number of elected members of the Panel will be 10, with each of the Constituent Authorities having at least 1 member.
- 3.2** Appointment of elected Members to the Panel shall be made by each of the Constituent Authorities in accordance with their own procedures. In making appointments to the Panel, the Constituent Authorities shall have regard to the requirement in the Act that appointments shall be made with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonably practicable.
- 3.3** The balanced appointment objective requires that the Panel should (when taken together), and as far as is reasonably practicable:
- represent all parts of the police area;
 - represent the political make-up of the Authorities (when taken together);
 - have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.4** In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the Act.
- 3.5** A Panel should keep the membership under review and consider whether a variation in numbers by co-opting additional elected members would assist in meeting the balanced appointment objective. The Panel shall not co-opt an elected member unless all of the members of the Panel agree to the co-option.
- 3.6** The Panel comprises 15 elected members in line with the membership arrangements agreed by the Leaders Joint Selection Committee in 2012:-

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- Former Avon Unitary Authorities – 9 members (1 appointed member and 1 co-opted member each, plus an additional member for Bristol City Council based on its population size and comparatively high levels of crime)
 - Somerset County Council and Somerset District/Borough Councils – 6 members (1 appointed member each)

*(*Guidance -councils with Elected Mayors are under a duty to nominate the Mayor or delegate the role to another elected member - Schedule 6, para 33 of the Act)*

3.7 There will be no substitute members at meetings.

Term of Office

- 3.8** The term of office of elected members shall be the same as that of the Commissioner – a four year term unless a Panel member ceases to be an elected Member, or is removed from the Panel by their Authority. Members are entitled to be re-appointed for a maximum of two consecutive 4 year terms of office provided that the balanced appointment objective is met by that re-appointment.
- 3.9** The Constituent Authorities will maintain a mechanism at all times to enable the membership to be reviewed following any change in the Appointed or Co-opted elected membership agreed by the Panel and following any significant change in the political balance on the Authorities following relevant elections.

Resignation and removal of elected members on the Panel

- 3.10** An Authority may decide in accordance with its procedures to remove its Member from the Panel at any time and upon doing so shall give written notice to the Clerk,
- 3.11** A Member may resign from the Panel at any time by giving notice to the appointing Authority who will in turn, give written notice to the Clerk.
- 3.12** In both cases, the Authority shall immediately take steps to nominate and appoint an alternative member to the Panel.
- 3.13** Where a Panel Member fails to attend meetings of the Panel over a six month period, the Clerk shall recommend to the relevant Authority that due

consideration is given to removing the member from the Panel.

Independent Co-opted Members

3.14 The Panel will normally consist of 3 non-political Independent Members as specified by resolution of the Panel on 31st October 2012 and notified to the Secretary of State. **The Panel will at all times maintain a minimum of 2 in accordance with Schedule 6 Part 2 Section 4(3) of the Act.**

3.15 The following may not be an Independent Member:-

- anyone under 18 years old
- the Commissioner for the Police area
- a member of staff in the Office of the Police and Crime Commissioner
- a member of civilian staff in the Avon and Somerset Constabulary
- a Police officer in the Avon and Somerset Constabulary
- a member of Parliament;
- a member of the National Assembly for Wales;
- a member of the Scottish Parliament;
- a member of the European Parliament;
- a member of a Local Authority within the Avon and Somerset Police area.

3.16 An Independent Co-opted Member shall be appointed for a four year term and can be re-appointed for a maximum of two consecutive 4 year terms of office provided that the balanced appointment objective is met by that re-appointment.

3.17 The appointment of Independent Members will be conducted in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel.
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria.

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- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised.
 - d) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in the Avon and Somerset force area and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factors.

3.18 Costs of the recruitment process shall be met from within the existing budget approved by the Panel as set out in section 5.

3.19 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Chairman and the Clerk.

3.20 The Panel may at any time terminate the appointment of an Independent Member by notice in writing with immediate effect if at least two-thirds of Panel Members vote in favour of the decision for the reasons set out below:-

- if absent from the Panel for more than 3 formal meetings without the consent of the Panel
- if convicted of a criminal offence but not automatically disqualified
- if deemed to be incapacitated by physical or mental illness or is otherwise unable to unfit to discharge the functions of an Independent Member
- if the appointment no longer achieves the Balanced Appointment Objective
- if following an investigation by the Monitoring Officer of the host authority, a member has been found to have acted contrary to the Nolan Principles or any of the provisions of the members code of conduct of the host authority.

4. Host Authority

4.1 The Panel shall agree a Host Authority for the Panel, to provide such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel.

4.2 **Somerset County Council** shall act as the Host Authority with effect from June 2017 and will provide/organise the necessary support arrangements to enable the Panel to fulfil its statutory responsibilities.

5. Budget and Panel Costs

- 5.1 It is intended that all direct costs associated with the running of the Panel will be contained within the Home Office funding allocation.
- 5.2 In the event that the government funding ceases or the Panel's running costs exceed the central funding that is available, the shortfall will be met by ~~the 10 Authorities through a mechanism to be agreed~~ the Constituent Authorities on the basis of the contributions attached at Annex A. This reflects the principle of indemnity agreed by the Leader's Joint Selection Committee in 2012 which requires the Constituent Authorities to offset any shortfall should running costs exceed available funding.

6. Allowances and Expenses

- 6.1 All Panel Members can claim from the Panel budget for travel and carer expenses incurred in undertaking approved duties up to maximum amount of £920 annually. This will be paid in the form of an allowance in two parts and in arrears.

The Constituent Authorities may choose to provide an additional allowance to members sitting on the Panel to bring allowances fully into line with figures arrived at for other committees by the relevant independent remuneration panel. This is a matter for the appointing authority.

7. Promotion of the Panel

- 7.1 The Panel shall be promoted and supported by the Host Authority/Clerk through:
- a dedicated website of the Host Authority (with appropriate links to other relevant websites) including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications. All reports and recommendations made, with responses from the Commissioner will be published.
 - Media and communications support provided by the Corporate Communications Team, including the issuing of press release where required.
 - information on the respective Authority websites about the work of the Panel and links to the main web-pages.

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- Clerking support to be provided for all public Panel meetings. This includes sending out agendas, minutes and providing procedural advice.
 - Legal advice where required for the Panel to carry out its duties effectively.

7.2 The costs of the promotion work identified above will be met by the annual budget and approved by the Panel.

7.3 Support and guidance including training and specialist expertise as necessary shall be provided to the Panel members in support of its functions. This shall be organised by the Host Authority, and will include briefing/training sessions and written briefing notes.

7.4 The Lead Authority shall prepare and maintain in consultation with the OPCC, the following protocols:-

- Working Protocol - setting out the respective functions of the Panel and the Commissioner with a view to establishing a set of principles and processes to ensure an effective and constructive working relationship
- Complaints Protocol - to facilitate the expeditious handling of complaints
- Communications Protocol - a basis for all communications between the Panel and the OPCC and the media.
- Mid-term Vacancy Protocol

8. Validity of Proceedings

8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

8.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Act and any Regulations made in accordance with the Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

9. Rules of Procedure

The Panel shall determine its Rules of Procedure which shall include arrangements in relation to:-

- the appointment and removal of the Chairman and Vice-Chairman

-
- the formation of sub-committees and task groups
 - the making of decisions
 - arrangements for convening meetings
 - the circulation of information.

Avon and Somerset Police and Crime Panel

Indemnity Mechanism - contributions based on funding shortfall of £10,000

Constituent Authority	Population	Contribution (£)	Total
Bristol	454,200	2745	
South Gloucestershire	277,600	1678	
North Somerset	208,154	1258	
Bath and North East Somerset	184,874	1117	(6798)
Somerset County	529,972	1601	(3202)
South Somerset	161,243	487	
Sedgemoor	114,588	346	
Taunton	110,187	333	
Mendip	109,279	330	
West Somerset	34,675	105	
			£10,000

Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance

Appendix 2



Panel Rules of Procedure

The Panel Rules of Procedure were originally agreed by the Avon and Somerset Police and Crime Panel on 31st October 2012 and subsequently reviewed and agreed on the 2018.

Published:

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This document was agreed on behalf of the following authorities:-

Bath & North East Somerset
Bristol City Council
Mendip District Council
North Somerset Council
Sedgemoor District Council
Somerset County Council
South Gloucestershire Council
South Somerset District Council
Taunton Deane Borough Council
West Somerset Council

In this document:-

- the above 10 Authorities are referred to singularly as 'the Authority' and together as 'the Authorities'
- the 'Panel' is the Police and Crime Panel for the Avon and Somerset Police Constabulary
- the '[Clerk](#)' ~~provides~~ the administrative, scrutiny, complaints and other support to the Panel
- the 'Host Authority' is the Authority which provides administrative and other specialist support to the Panel at the relevant time
- the 'Act' is the Police Reform and Social Responsibility Act 2011



-
- the “Panel Operating Arrangements’ is the document which sets out a framework for the Panel’s operation as agreed by all 10 Authorities
 - the “Rules” are the rules as set out in this Rules of Procedure document

1. General

- 1.1** The Rules are made by the Panel pursuant to Schedule 6, paragraph 25 of the Act. The Panel will operate in accordance with the Rules. The Rules should be read and considered in conjunction with the Panel Arrangements.
- 1.2** The Rules will normally be reviewed once every-3 **four years.** The Rules shall not be amended unless notification of a proposed amendment is received by the Clerk not less than fifteen working days prior to a Panel meeting and a report on the implications of the amendment has been considered by the Panel. The amendment must be agreed by three quarters of the voting Membership of the panel.
- 1.3** No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance. 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 requirements, these Rules and the Panel Arrangements Document.
- 1.4** Where the Rules do not explicitly address an issue the Standing Orders from the Host Authority will apply.
- 1.5** All Panel members will be subject to a Member Code of Conduct which for elected members will be those of their own Council. Independent Co-opted Members will be subject to the Code of Conduct of the Host Authority/Nolan Principles.

2. Chairman and Vice Chairman of the Panel

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- 2.1 The Chairman of the Panel will be elected at the Panel's AGM, normally in June of each year or in an election year where there have been changes in political proportionality on component councils, at the first meeting of the Panel following the appointment of members to it by ~~the Joint Selection Committee of council leaders~~ **Constituent Authorities**. The Chairman will be drawn from amongst the elected members sitting on the Panel **and nominations will be sought in advance by the Clerk.**
- 2.2 The Vice-Chairman will be elected at the AGM and will be drawn from amongst the elected members sitting on the Panel **and nominations will be sought in advance by the Clerk.**
- 2.3 In the event of the resignation of the Chairman or removal of the Chairman, a new Chairman will be appointed at the next meeting and will be drawn from amongst the elected members sitting on the Panel. The same provision will apply to the post of Vice-Chairman.
- 2.4 The Chairman may be removed by agreement of a majority of the whole Membership of the Panel and in that event the Panel will appoint a replacement Chairman from the Appointed Members.

3. Meetings of the Panel

- 3.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year. In addition, extraordinary meetings may be called on an ad-hoc basis.
- 3.2 An extraordinary meeting may be called by the Chairman or by four members of the panel by giving notice in writing to the host authority lead officer. The Monitoring Officer of the host authority may also call an extraordinary meeting.
- 3.3 Any request for an extraordinary meeting must specify the particular item of business to be dealt with. ~~for which the extraordinary meeting of the Panel is being called.~~ After receipt of such a request, the ~~H~~host ~~A~~authority lead officer will arrange for the extraordinary meeting to take place within not less than 21 days

~~and not more than~~ 35 days ~~of the~~after the receipt of the request. No other business may be conducted at the meeting unless the Panel otherwise resolve.

- 3.4 In addition to formal meetings, appropriate training/briefing sessions will be arranged for Panel members as necessary.
- 3.5 The Panel shall decide the dates, times and venues for its meetings.
- 3.6 Ordinary meetings of the panel will:-
- receive any declarations of interest from members
 - approve the minutes of the last meeting
 - consider reports from officers and panel members
- 3.7 All meetings of the panel will be held in public unless otherwise specified elsewhere in these procedure rules, and unless the reports or recommendations within the reports are marked as “confidential” or “exempt” and “not for publication” as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

4. Attendance Register

- 4.1 ~~An attendance sheet shall be circulated at every meeting of the Panel and any sub-committees that are established by it, on which all members present will enter their name. The sheet will constitute the register of attendance~~
- Attendance will be recorded by the Clerk at each meeting and a rolling register of attendance attached to the minutes of each meeting.

5. Minutes

- 5.1 The minutes of the business considered and [any](#) decisions reached at each meeting of the Panel shall be ~~printed~~ [published on the Panel website](#) and a copy sent to each member with the summons to attend the next meeting of the Panel.
- [Members will be kept informed on actions emerging from the minutes in the](#)

intervening period by way of updates in a rolling action sheet provided by the Clerk.

5.2 No motion or discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chair~~man~~ shall sign the minutes

6. ~~Public Forum~~ Question Time

6.1 Members of the public may ask a question or make a statement in relation to matters which are the function and responsibility of the Panel, at each meeting.

6.2 A maximum of 30 minutes will be allocated for this purpose at the start of each meeting of the Panel and each question or statement shall be allowed a maximum of ~~23~~ minutes.

6.3 Depending on the volume of Public Forum items, the time allocated on the agenda for consideration may be ~~increased~~ varied by the Chair~~man~~, with the Panel's consent.

6.4 Statements must be received by the Clerk no later than 12.00 noon on the working day prior to the Panel's meeting.

6.5 Questions must be received by the PCP ~~Host~~ Authority no later than ~~5~~ 3 clear working days before the meeting. This is to allow time for a response to be formulated. Questions will be limited to 2 per person/organisation. A response will be given either as a direct oral answer or a written reply at the meeting.

6.6 A questioner will be entitled to ask one supplementary question per question submitted after receiving a response

7. Quorum

7.1 A formal meeting of the Panel cannot take place unless at least one third of ~~the~~ whole number of Panel Members are present.

8 Work Programme

- 8.1 The Panel will be responsible for setting its own work programme. ~~taking into account the priorities defined by the Commissioner.~~ In setting the work programme the Panel will take into account:- ~~the wishes of its members~~
- its functions and responsibilities as set out in the Act
 - the priorities defined by the Commissioner
 - the view of members
 - the resources available to support the delivery of the work programme.
- 8.2 The work programme must cover the functions described in the Terms of Reference for the Panel.

9. Sub-Committees and Task Groups

- 9.1 The Panel may set up a sub-committee or task group to undertake specified functions of the Panel. The Panel will appoint a Lead Panel Member of the sub-committee or task group who will report back to the Panel.

Sub-Committees

The role of a sub-committee is to carry out delegated Panel functions, excluding special functions which may not be discharged by a sub-committee (these are specified in the Act). Sub-committees may formally take decisions as delegated to them by the Panel.

A Complaints Sub-Committee established on 30th October 2014 will carry out delegated functions of the Panel associated with the complaints handling process and the informal resolution of complaints. The sub-committee will decide on the most suitable course of action to assist with the informal resolution of the complaint.

Task Groups

The role of a task group 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 may report back upon the completion of their work with a report and recommendations to the Panel.

- 9.2** The work to be undertaken by a sub-committee or task group will be agreed by the Panel. Membership will be confined to members of the Panel and if possible should include at least one of the three independent members of the Panel. In determining membership, the Panel insofar as practicable, shall have regard to the skills and expertise of the Panel Members. Size will be determined on a case by case basis when the Panel agrees the scope of the work to be undertaken.

10 Agenda items

- 10.1** The Panel agenda will be issued to Panel Members at least 5 clear days before the meeting. It will also be published on the Panel's web site which will have links to all of the Constituent Authorities websites
- 10.2** Any member of the Panel shall be entitled to place items on Panel agendas which are relevant to the Panel's functions. Members' requests for matters to be included shall be submitted in writing/e-mail and received by the Clerk at least 15 working days before the next ordinary meeting of the Panel, failing which they shall not be submitted to such meeting without the express direction of the Chairman.
- 10.3** Items requested by members of the Panel should not have been considered previously by the Panel, in the last 6 months.

11. Conduct of Meetings

Motions

- 11.1** No motion or amendment other than a motion for the reception or adoption of a report, or for the adoption of a recommendation contained in a report, shall, after the proposer has spoken in support be discussed or proceeded with unless it has been seconded. ~~Such motion or amendment shall, if required by the Chairman, be reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.~~

Motions during debate

- 11.2** When a motion is under debate, no other motion shall be moved except for the following:-
- a. to amend the motion
 - b. to postpone consideration of the motion
 - c. to adjourn the meeting
 - d. to adjourn the debate
 - e. to proceed to the next business
 - f. that the question be now put
 - g. that a member be not further heard
 - h. that a member do leave the meeting
 - i. that the subject of debate be referred back for further consideration
- 11.3** Where a motion is moved or seconded 'that the question be now put', 'that the debate now be adjourned', 'that the Panel proceed to the next business', or 'that the Panel be now adjourned', the Chairman if, of the opinion, that the question before the meeting has been sufficiently discussed, will put that motion to the vote. If it is carried, the question before the meeting shall be put to the vote, or the subject of debate shall be deemed to be disposed of for the day or the meeting shall stand adjourned, as the case may be.
- 11.4** A second motion concerning the same question before the meeting 'that the question be now put', 'that the debate be now adjourned', 'that the Panel proceed to the next business' or 'that the Panel be now adjourned' shall not be made within a period of fifteen minutes unless it be made by the Chairman.

Amendments

- 11.5** An amendment shall be relevant to the motion and shall be either:
- (a) to leave out words;
 - (b) to leave out words and insert or add others;
 - (c) to insert or add words;
- 11.6** But such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Panel.

11.7 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall be the motion upon which any further amendment may be moved.

11.8 A further amendment shall not be moved until the Panel has disposed of every amendment previously moved.

Alterations or Withdrawal of Motion or Amendment

11.9 A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced in writing and handed to the Chairman before the consent of the Panel to the alteration is sought.

11.10 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

11.11 The giving or refusal of consent by the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

Speech by Secunder

11.12 A member, when seconding a motion or amendment, may if then declaring the intention to do so, reserve their speech until a later period of the debate.

Members to Address the Chair

11.13 A member when speaking shall address the Chairman. If two or more members wish to speak, the Chairman shall decide the order in which they shall speak.

11.14 Whenever the Chairman intervenes rises during a debate, a member then speaking and the Panel shall be silent.

Rights of Speech

- 11.15** A member may speak on any motion or amendment or on any report at such time as it is actually before the Panel, but Member's remarks shall be strictly confined to the subject matter under discussion or to an explanation or a question of order.
- 11.16** Where a report contains a recommendation that has been moved, a member may speak for or against such recommendation or move either an amendment to such recommendation or that the paragraph be referred back for further consideration.
- 11.17** Where a report does not contain a recommendation, a member may move that the paragraph be referred back for further consideration provided that the decision, as reported in the paragraph, has not been finally implemented.

Length of Speeches

- 11.18** No speech shall exceed five minutes except by consent of the Panel.

Conduct of Members

- 11.19** A member shall not impute motives or use offensive expressions to or about any other member.
- 11.20** If any member, in the opinion of the Chairman, persistently disregards the ruling of the Chairman, or behaves irregularly, improperly, or offensively, or wilfully obstructs the business of the Panel, or uses tedious repetition or unbecoming language, the Chairman or any other member may move "that the member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- 11.21** If the member named continues the misconduct after a motion under paragraph 11.21 has been carried, the Chairman shall either:(a) move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or (b) adjourn the meeting of the Panel for such a period as the Chairman shall consider expedient.

Points of order and Explanations

11.22 A point of order shall relate only to an alleged breach of these Procedure Rules or statutory provision, and the member raising it shall specify the Procedure Rule or statutory provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which may appear to have been misunderstood in the present debate.

11.23 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Voting

~~11.24~~ Voting will be by show of hands and by simple majority.

~~11.25~~ The Chairman will have a casting vote.

~~11.26~~ All Panel Members may vote in proceedings of the Panel.

11.24 Voting will be on a one member one vote basis, and any matter shall be decided by simple majority unless a two thirds majority is required by law. This is required in the case of a veto of the proposed precept or veto of the Chief Constable appointment.

In the case of an equal number of votes the Chairman of the meeting shall have a second or casting vote.

General Disturbances

11.25 If a member of the public interrupts the proceedings at any meeting, the Chairman shall give a warning. If the interruption continues the Chairman shall order the person's removal from the room. In case of general disturbance the Chairman shall order that part to be cleared adjourn the meeting until order has been restored. ~~in any part of the room open to the public, the Chairman shall order that part to be cleared—~~

~~11.26~~ ~~If in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in the Chairman, may without the question being put suspend the meeting for a period not exceeding 30 minutes.~~

Disclosure of Interests

~~11.27 Members with a disclosable pecuniary interest relating to any item of business at a Panel meeting, must declare the interest and must not participate in any discussion or vote relating to the item.~~

12. Reports of the Panel

12.1 Where the Panel makes a report to the Commissioner, it will publish the report or recommendations on its web site and ~~send~~by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.

12.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:-

- consider the report or recommendations
- respond to the Panel indicating what (if any) action the Commissioner proposes to take
- where the Panel have published the report or recommendations, publish the response
- where the Panel have provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

12.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

12.4 If the Panel cannot unanimously agree on one single final report to the Commissioner then one separate (minority) report may be prepared and submitted for consideration along with the majority report.

13. The Commissioner and others giving account

13.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of that commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions provided that such questions shall not:

- (a) Relate to advice provided to the Commissioner by his/her staff; or
- (b) In the view of the Commissioner

-
- be against the interests of national safety
 - jeopardise the safety of any person; or,
 - prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or
 - be prohibited by any other enactment.

13.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision, the Chair will inform them in writing giving notice of the item, and where practical, 15 working days notice of the meeting. The will detail whether any supporting information is necessary for the Panel. Where it is necessary to provide such information, sufficient time will be given to allow the information to be provided.

13.3 The Commissioner will normally attend all meetings of the Panel in line with their legal responsibilities unless notified otherwise. Where, in exceptional circumstances, they are unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the Chair of the Panel.

13.4 If the Panel require the Commissioner to attend a meeting, the Panel may (at reasonable notice) request the Chief Constable or the Chief Executive (as appropriate) to attend on the same occasion to answer any questions which appears to the Panel to be necessary in order for it to carry out its functions.

14. Attendance by others

14.1 The Panel may invite people other than those referred to above 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.

15. Senior Appointments

15.1. The Panel has powers to review the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The Panel is required to hold public confirmatory hearings for these posts.

15.2 Any such hearing will be held at the next available meeting of the Panel or at an extraordinary meeting if timescales require it.

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- 15.3 With regards to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which the Panel receives notification on the proposed appointment from the Commissioner.
- 15.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- 15.5 Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
- 15.6 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel is required to make a recommendation on the appointment and has the power to veto the appointment
- 15.7 Having considered the appointment of a Chief Constable, the Panel will be asked to either:
- 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 of the full membership is required, rather than those members present).***
- 15.8 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must confirm the veto and the reasons for it.

Appointment of an Acting Commissioner

- 15.9 The Panel must appoint a person to act as Commissioner if:
- a) no person holds the office of Commissioner
 - b) the Commissioner is incapacitated, or
 - c) the Commissioner is suspended.
- 15.10 The Panel may appoint a person as acting commissioner only if the person is a member of the Commissioner's staff at the time of the appointment.
- 15.11 In appointing a person as acting commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the commissioner in relation to the appointment.

15.12 The appointment of an Acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Commissioner;
- b) ~~the termination by the Panel, or by the Acting Commissioner, of the appointment of the acting commissioner;~~ the termination of the appointment by the Panel or the resignation of the Acting Commissioner;
- c) ~~in a case where the Acting Commissioner is appointed because the Commissioner is incapacitated,~~ if the Commissioner ceases to be incapacitated;
- or
- d) in a case where the Acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

Proposed Precept

15.13 The Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year. The Panel must review the proposed precept and make a report including recommendations.

15.14 Having considered the precept, the Panel will either:

- a) support the precept without qualification or comment;
- 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).

15.15 If the Panel vetoes the proposed precept, the report to the Commissioner must confirm the veto and the reasons for it. The Panel will require a response to the report and any such recommendations.

Complaints

15.16 ~~The Panel shall have a complaints procedure for complaint handling that shall be set out in a protocol to be developed and agreed by the Panel on receipt of appropriate guidance.~~ The Panel is responsible for handling non-criminal complaints against the Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the **Independent Office for Police**

Conduct IPCC. Arrangements for the Panel's role in complaints handling are set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, accompanying Home Office guidance and the Panel's related complaints protocol.

- 15.17** Serious complaints which involve allegations which may amount to a criminal offence by the Commissioner are dealt with by the Independent Office for Police Conduct. IPCC
- 15.18** Non-criminal complaints in relation to the Commissioner or ~~other office holders can be considered by the Panel through a hearing.~~ any Acting Commissioner will be dealt with under the Panel's complaints procedure and in accordance with the informal resolution process set out in the Regulations and guidance. ~~The Panel can examine this through a sub-committee following the procedure rules at 10. with a view to seeking informal resolution of a complaint otherwise than by legal proceedings.~~
- 15.19** A Panel may suspend the Commissioner if it appears to the Panel that:-
- a) the Commissioner has been 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.
- 15.20** The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:-
- a) the charge(s) being dropped;
 - b) the Commissioner being acquitted of the offence;
 - c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction; or
 - d) the termination of the suspension by the Panel.
- 15.21** 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.

Annual Report of the Commissioner

- 15.22** The Commissioner must produce 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.
- 15.23** The Panel must comment upon the Annual Report of the Commissioner, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report;
 - b) require the Commissioner to attend the meeting to present the Annual Report and answer such questions about the Annual Report as Panel Members think appropriate; and
 - c) make a report or recommendations on the Annual Report to the Commissioner

Police and Crime Plan

- 15.24** The Panel is a statutory consultee on the development of the 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.~~ all versions or variations of the plan.
- 15.25** The Panel must:
- a) hold a public 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.

Suspension and Removal of the Chief Constable

- 15.26** The Panel will receive notification if the Commissioner suspends the Chief Constable.
- 15.27** The PCC must also notify the Panel in writing of the 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.

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- 15.28** The Panel must seek the views of Chief Inspector of Constabulary in writing on her proposal to call on Chief Constable to resign.
- 15.29** The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for the resignation or retirement.
- 15.30** The Commissioner must have regard to the views of Chief Inspector of Constabulary and if still proposing to call upon the Chief Constable to resign, the Commissioner must notify the Panel accordingly (the 'further notification').
- 15.31** ~~Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not s/he should call for the retirement or resignation.~~ The Panel must make a recommendation as to whether the Commissioner should call for the Chief Constable to resign (and give notification of it to the Commissioner within 6 weeks of receiving notification under paragraph 14(2) of Schedule 8) (Schedule 8, paragraphs 15(2) and (3)). Before making any recommendation the Panel may consult the Chief Inspector of Constabulary, and must hold a scrutiny meeting.
- 15.32** The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Commissioner and the Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign.
- 15.33** The Commissioner must consider the Panel's recommendation, and accept or reject it (Schedule 8, paragraph 16(1)). The Commissioner must notify the Panel of her decision.
- 15.34** ~~The Panel must publish the recommendation it makes on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.~~ The Panel must publish its recommendation in accordance with Schedule 8, paragraph 15(5).
- 15.35** 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 six weeks from the Panel having received notification, if the Panel has not by then given the Commissioner a recommendation on the proposal; or

(b) the Commissioner notifies the Panel of a decision about whether the Panel's recommendations in relation to resignation or retirement is accepted.

~~15.36 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.~~

15.36 In calculating the six week period, the post-election period is ignored.

Panel Work Programme 2017/18

27th June (AGM)	<ul style="list-style-type: none"> • Police and Crime Commissioner's Annual Report
24th October	<ul style="list-style-type: none"> • Unauthorised Encampments • Tipping Point – Briefing on the funding challenge • Panel funding - indemnity mechanism
17th November 10am-2pm (Police Headquarters)	Training – Budget preparation
13th December	<ul style="list-style-type: none"> • Scrutiny of the Budget/Draft medium Term financial Plan • Presentation – Prevent Strategy • Addendum to Police and Crime Plan - to reflect amendments including the change in position on the Strategic Alliance and counter-terror/threat levels
1st February	<ul style="list-style-type: none"> • Formal review of the Budget/Precept • Six monthly Update from the Chief Constable • Reform of the Police Complaints System • Panel Arrangements – to consider proposed amendments and agree Rules of Procedure
15th March	<ul style="list-style-type: none"> • Recall of offenders on Licence • Stop and Search – powers/responsibilities/rights • Review of Panel Protocols
All Meetings	<p>Standing Items:-</p> <ul style="list-style-type: none"> • Commissioner’s Update • Scrutiny of performance/delivery against the Police and Crime Plan - Link Member reports • Complaints

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AVON AND SOMERSET POLICE AND CRIME PANEL

1 FEBRUARY 2018

REPORT OF THE CHIEF EXECUTIVE

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER

PURPOSE OF THE REPORT

1. To provide members of Avon and Somerset Police and Crime Panel with oversight of all complaints made against Avon and Somerset Police and Crime Commissioner, for scrutiny of the initial handling by the Chief Executive of Avon and Somerset Police and Crime Commissioner's Office.

BACKGROUND

2. Avon and Somerset Police and Crime Panel (the Panel) is the Appropriate Authority to handle complaints against the conduct of 'Relevant Office Holders', being Avon and Somerset Police and Crime Commissioner (PCC) and Deputy PCC if one is appointed, according to statutory regulations of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and as referred to in the Police Reform and Social Responsibilities Act 2011, section 31 and schedule 7.
3. However, the initial handling, which includes categorisation, recording decision-making, referral of criminal allegations to the Independent Police Complaints Commission (IPCC), disapplication decision-making, and responding to the complainant in the first instance, has been delegated by the Panel to the Chief Executive in the Office of Avon and Somerset Police and Crime Commissioner, with scrutiny and oversight of all complaints and any escalation for informal resolution, remaining with the Panel.

SUMMARY OF COMPLAINTS RECEIVED

4. There have been no new complaints since the last Police and Crime Panel meeting report against the *conduct* of the Police and Crime Commissioner ('conduct' including acts, omissions, statements and decisions (whether actual, alleged or inferred)). However, two complaints remain live.
5. Please refer to the summary table in Annex 1.
6. Complaint case 24 remains open, as noted in the last three reports to the Panel. The Police and Crime Panel have advised the PCC's office on 14 November 2017 that this complaint case is being reviewed regarding the resolution and response from the Panel to the complainant.

7. Complaint case 26 is currently on hold at the request of the complainant in August 2017. The complainant is awaiting progress with a complaint against Kent Police.
8. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
9. All electronic complaint files are available at the office of the Police and Crime Commissioner for viewing by the Panel, if requested. The document retention period is in accordance with the published Record Retention Policy and this is currently eight years.

EQUALITY IMPLICATIONS

10. There are no equality implications arising from the handling of complaints against Avon and Somerset PCC. The protected characteristics of complainants are not necessarily known, and all complaints are logged and published in an open and transparent manner.

RECOMMENDATIONS

11. Members are asked to review and comment on this complaints report and to advise of any recommendations or requests for informal resolution through the statutory process of escalating complaints against the PCC to the Panel.

JOHN SMITH
CHIEF EXECUTIVE

REPORT TO: AVON AND SOMERSET POLICE AND CRIME PANEL

Date: 1 Feb 2018

No.	Date rcvd / log no.	Summary	Recorded?	Handled by	Outcome	Live or Closed
24.	12/01/2017 / 17315	PCC alleged to have interfered with a matter which should have been dealt with by the Police and Crime Panel.	Yes	Initially by PCC's CEO then escalated to PCP	19/01/17: Initial informal resolution by way of an explanation and apology from CEO. The complainant's right to escalate the complaint to the PCP, if required, was stated in the reply letter. 24/1/17: Complaint escalated to PCP.	Live
26.	03/07/2017 / 18801	Complaint alleging that the PCC failed to act regarding a report of the complainant's son as a victim of crime. This appears to be when the complainant was directly emailing Avon and Somerset Constabulary and/or Kent Police, cc'ing the PCC into 4 emails between Feb and July 2016. The PCC replied to the complainant and also made enquiries with Avon and Somerset Police.	Yes	PCC's CEO reply summarised and asked for clarification.	30/08/2017: On hold, at the request of the complainant, who is awaiting progress on the complaint against Kent Police.	Live / On hold

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