

Avon and Somerset Police and Crime Panel

13th October 2020

Title: Work Programme Report

1. Purpose of Report

1. To consider and approve the draft Work Programme for 2020/2021.
2. To consider and agree the Assurance Reports suitable for inclusion in the Work Programme

2. Summary

This Work Programme is expected to take into account:-

- the Panel's statutory functions and responsibilities
- the Commissioner's priorities as defined in her Police and Crime Plan
- the views of Panel Members

It is essential that the work programme is proportionate to the resources available to support the Panel in its activities.

The duties and responsibilities of the Panel are set out in the Panel Arrangements document which was recently reviewed by the Panel and is in the process of being amended by the Constituent Authorities. There are some responsibilities which the Work Programme must accommodate at a specific time:-

- **consideration of the Commissioner's Annual Report – 26th June 2020**
This must be submitted as soon as practicable following the conclusion of the relevant financial year that it covers. The Panel is under a statutory duty to respond.
- **consideration of the Commissioner's precept proposal – 4th February 2021**
The Panel is required to scrutinise the Commissioner's proposed Council Tax Precept (the money collected from council tax specifically for Policing). As part of this, the Panel has oversight of the overall draft Policing budget and its proposed allocation. Schedule 5 of the Police Reform and Social Responsibility Act sets out the process for issuing a Precept, the Panel's role in reviewing the proposal, your ability to veto the Precept and the steps to be taken if you do.

- **OPCC Budget Briefing (private) - 15th October 2020**
The Panel is entitled to see evidence that backs up the proposed Precept and this requires the Commissioner to consult with the Panel more than once before the formal scrutiny meeting and provide transparent reasoning for her decision - minimising the risk that a veto will be used. Consultation generally starts with this briefing enabling Members to make a tangible, practical contribution to the budget and precept-setting process. **All Members are required to attend this meeting.**
- **consideration of a revised Police and Crime Plan** prior to the proposed effective date for a new plan.

In 2018, the Panel welcomed the Commissioner's development of a new Police and Crime Needs Assessment as a solid evidence base for a new plan to cover the period 2019/21. The purpose was to provide a picture of the most significant issues, risks and threats shared by partner agencies and stakeholders across Avon and Somerset. The consultation included Councillor Craig who has been the Panel's Link Member for the Development of the Police and Crime Plan since 2016.

Sight of an early draft of the refresh of the PCC's Police and Crime Plan in January 2019 helped to prepare the Panel for a challenge session with the Commissioner at the Panel's meeting on 5th February 2019. Subsequently, there have been no material changes to the plan as a result of the extension of the PCC's terms of office. The OPCC will look at revising the current Police and Crime Needs Assessment in time for the 2021 election.

There are other aspects that should be incorporated into an annual work programme where considered appropriate by the Panel:-

- **Scrutiny and review of the Commissioner's decisions/actions**

Under Section 28(6) of the Police Reform and Social Responsibility Act 2011, the Panel is obliged to review or scrutinise decisions made, or other action taken by the Commissioner in connection with the discharge of her functions and, where necessary make reports or recommendations to the Commissioner with respect to the discharge of those functions. The Commissioner is under a statutory obligation to publish details of decisions of significant public interest. In more general terms the Commissioner is obliged to ensure that the Panel is provided with any information that it might reasonably require.

The Commissioner presents an Update Report on key activities to each meeting. This previously included an appendix in the form of a schedule of key decisions taken in the intervening period between meetings. The Panel also requested the OPCC to provide a forward plan of any key issues, processes or pieces of work the Commissioner will be addressing on which it may be appropriate for the Panel to receive a report, be consulted or hold a pre-decision scrutiny review. This will be taken forward with the OPCC with a view to getting a process on track next year.

- **Monitoring of arrangements for dealing with complaints against the Commissioner**

The Panel is required to consider and informally resolve complaints against the *personal conduct* of the Commissioner. In 2012, the Panel delegated the initial complaints handling function to the Chief Executive Officer in the OPCC. The final arbiter however is the Panel, and complainants are made aware that complaints can be escalated to the Panel if they are not satisfied with the initial attempt at resolution. The Panel receives a standing summary report on complaints to each meeting and the Panel’s Complaints Sub-Committee has delegated authority to consider individual complaints when they are escalated. The Panel’s Lead Officer is responsible for the administration of the function and for providing the Panel with advice and officer support.

- **Other Panel responsibilities** relate to senior appointments (confirmation hearings) and matters such as the proposed removal of a Chief Constable, the suspension of a Commissioner or the appointment of an acting Commissioner. These responsibilities must be considered no more than ad hoc in nature, will only occur as circumstances dictate, and may necessitate the calling of “extraordinary” meetings of the Panel.

3. Link Member Roles

The Panel has chosen to shape its scrutiny and review of the Commissioner’s activities around the priorities contained in the Police and Crime Plan. This method of involvement can strengthen accountability and transparency by Link Members reporting back to the full Panel Membership on activities and key issues in their area of business. It also provides opportunity for sharing performance and assurance information.

The Panel is aware that the process of holding the individual briefings has been deferred until next year in the light of COVID and the resource issues experienced by the OPCC. However to ensure that there is still opportunity for Members to carry out proactive scrutiny work this year, the OPCC has provided a list of Assurance Reports produced by the Constabulary and members are invited to consider which ones might be of interest and reasonably scheduled into the work programme (with due regard to the dates set out for the Police and Crime Board meetings below and the date of the Panel’s last meeting on 12th March 2021):-

Topic	Police and Crime Board date
Domestic Abuse	02/09/20
Equality & disproportionality	07/10/20
*Mental Health	03/11/20
Public Order	02/12/20

Service to victims (VCOP)	13/01/21
Safeguarding (adults at risk)	03/02/21
Road Safety	03/03/21
County Lines	31/03/21
Cybercrime	02/06/21

- A report on Mental Health has already been scheduled into 8th December Panel meeting to take forward the report produced by Councillor Shearer and Councillor Willis last year for this work area.

4. Chief Constable Presentation – 8th December 2020

The Chief Constable has operational independence and reports to the Panel once a year. Last year, it was agreed that this should take place in December when the Panel considers the draft budget. The Home Office protocol suggests that, ‘if the Panel seeks to scrutinise the PCC on an operational matter, the Chief Constable or other officers may need to attend alongside the PCC to offer factual accounts and clarity if needed for the actions and decisions of their officers and staff. The accountability of the Chief Constable remains firmly to the PCC and not to the Police and Crime Panel’.

5. In-depth Scrutiny Topic

Last year, members chose Serious Violence and Knife Crime as a topic for detailed consideration following the release of a new Home Office strategy which placed additional responsibilities on Police and Crime Commissioners. Members are advised to defer a similar approach until next year given the current restrictions.

6. Work Programme 2020/21

Based on the above, a draft work programme has been drawn up which is attached at Appendix A to this report.

The Committee on Standards in Public Life report “Tone from the Top”, published in 2015, makes a recommendation in relation to Panel’s work programmes - that they should be both forward looking and clear about the information the Panel requires from the Commissioner to conduct its business and meet its statutory responsibilities. In this respect, it is proposed that the agreed work programme be a live document containing relevant notes and commitments alongside an indication of the information that will be required in support of the items. It will be refreshed as appropriate following meetings and submitted to all agenda setting meetings to assist both the Panel and OPCC.

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