

Essex Police and Crime Panel	<b>EPCP/032/14</b>
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## **The Work of the Police and Crime Panel**

Report by the Secretary to the Panel

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### **Purpose of report and background**

As there have been several new Members appointed, this report brings together a number of matters relating to the working of the Panel and its relationship with the Police and Crime Commissioner.

### **Membership**

Each local authority in England is required to appoint a member to their force-area Police and Crime Panel. In Essex this means that the County Council, the two unitary authorities and each of the twelve district councils appoint a member to the Essex Panel, which must also include two independent members. The maximum panel size is 20 members.

Following on from the District Elections in May there have been a number of changes to the appointees to the Panel. The current membership is as set out on the face of the Agenda.

The Home Office has made it clear that as far as possible, panels should satisfy the balanced appointment objective; which is to ensure the geographic, political and demographic make-up of the police force area is reflected in the membership of a panel. In appointing panel members, local authorities must, as far as is practicable, consider the make-up of the force area in terms of geography, politics and the requisite skills, knowledge and experience for the panel to function effectively.

Councillor membership of the panel should reflect the geography and population size of the force area. In the first instance, the legislation seeks to achieve this by having every local authority in the area represented on a panel.

The total number of Essex Councillors is 735 in the following proportions:

Conservative	Labour	Liberal Democrat	Other	UKIP
409 (55.7%)	103 (14%)	81 (11%)	95 (12.9%)	47 (6.4%)

The most recent appointees to the Panel are 10 Conservative, three Labour, 1 Liberal Democrat and 1 Independent against proportions of 8:2:2:2:1.

In terms of Council Administrations, there are 10 Conservative, 2 Labour and 3 joint administrations, 2 with Liberal Democrat Leaders and 1 with an Independent Leader.

In July 2012 when looking at its political make-up the Panel decided that, subject to the Home Secretary's approval, in order to reflect better the political balance across the Police Force area, the Chairman approach the Leader of the Liberal Democrat Group on the County Council to nominate a Liberal Democrat representative to be co-opted on to the Panel who should not be a member of any of the 15 local authorities in the Essex Police Force area who nominate to the Panel. Home Secretary approval was given and Ann Haigh was co-opted on to the Committee as a result.

The Panel needs to come to a decision on whether it wishes to make use of any co-opted places to achieve a better political balance. The Home Secretary would need to approve any changes to the co-options.

### **Terms of Reference**

The Panel's Terms of Reference, Panel Arrangements and Procedure Rules are attached to this report.

### **The Panel's achievements thus far**

The following is a brief summary of the activities of the Panel since it was established in November 2012:

- Agreeing a process for undertaking confirmatory hearings and holding confirmatory hearings for the Chief Constable, the Deputy Police and Crime Commissioner and the Executive Director of the Police and Crime Commissioner's Office. In each case the Panel confirmed the appointment.
- Reviewing the content of the Commissioner's first Annual Report.
- Working with the Commissioner and his Office to develop a performance framework and then receiving regular updates on performance and finance from the Commissioner, including progress on the allocation of community safety grants by the Commissioner.
- Considering the Commissioner's proposed Police Precepts for 2013/14 and 2014/15.
- Reviewing the draft Police and Crime Plan for 2013/14 and 2014/15.
- Receiving presentations from the Commissioner and the Chief Constable.

## **The Home Office Grant for the Panel's work**

### **Home Office Grant**

Confirmation has been received for 2014/15 of a grant of up to £64,340 to the County Council for the Police and Crime Panel grant scheme. The funding is for the maintenance in accordance with the Police Reform and Social Responsibility Act 2011 and the Regulations made under it of a police and crime panel able to carry out the functions and responsibilities set out in that Act.

Police and crime panels were introduced to scrutinise the actions and decisions of police and crime commissioners. The panels will provide support and challenge to the commissioner in the exercise of their functions. Panels will focus their attention on key strategic actions and decisions taken by the commissioner, including whether they have achieved the objectives set out in their police and crime plan, considered the relevant priorities of their community safety partners and consulted appropriately with the public.

The key deliverables are that there is a police and crime panel for the Essex police area able to carry out its functions and responsibilities as set out in the 2011 Act. The expenditure is broken down as £53,300 administration costs and £11,040 – up to £920 per member expenses.

### **Training**

The Panel has considered the options available by way of training to help it carry out its role to be financed by the provision made available by the Home Office for member allowances.

Agreement has been reached with a Consultancy that has done or is doing learning and development sessions with panels where the panels, like the Essex Panel, have completed a round of carrying out the statutory functions and are thinking about how to add value when scrutinising the Commissioner. The Panel has agreed a draft programme as follows and now needs to agree when it would be best to hold the session.

<b>Essex Police and Crime Panel Review and Planning Event</b>	
<b>10.00 am</b>	<b>Introductions and outline programme</b>
<b>10.05 am – 10.30 am</b>	<b>Session 1: Review of this year's work to date</b> <ul style="list-style-type: none"><li>• <b>Review of key core responsibilities this year:</b><ul style="list-style-type: none"><li>- Precept and budget</li><li>- Police and Crime Plan</li><li>- Confirmatory hearing</li><li>- Annual Report</li></ul></li><li>• <b>Discussion in small groups: for each of the above:</b><ul style="list-style-type: none"><li>a) what went well?</li><li>b) what could have worked better?</li><li>c) what other challenges has the Panel not yet been able to</li></ul></li></ul>

	tackle or tackle well enough in Year 1?
<b>10.30 am – 10.45 am</b>	<b>Feedback of key points from small group outputs</b>
<b>10.45 am – 11.30 am</b>	<b>Session 2: Tackling Year 2 with confidence</b> <ul style="list-style-type: none"> <li>• <b>Tools, techniques and initiatives that have helped other PCPs</b></li> </ul> <b>Discussion in small groups:</b> <p>Are there lessons and pointers from other PCPs' work and wider scrutiny experiences that we can draw on in our work as Essex PCP?</p> <b>Brief feedback of any key points</b>
<b>11.30 am – 11.40 am</b>	<b>Break</b>
<b>11.45 am – 12.35 pm</b>	<b>Session 3: Getting onto the front foot: work programming for Year 2</b> <ul style="list-style-type: none"> <li>• <b>Factors</b> <ul style="list-style-type: none"> <li>- Essex Constabulary context – HMIC report</li> <li>- Work programming essentials, inc. prioritisation</li> <li>- Evidence gathering and triangulation</li> <li>-</li> </ul> </li> </ul> <b>Discussion (as one group):</b> <p>How can we carry out our statutory responsibilities more effectively?</p> <p>What else should be in our work programme for Year 2 – and what do we need to do to make it successful?</p>
<b>12.35 pm – 12.55 pm</b>	<b>Capture of learning from the day and action planning</b>
<b>12.55pm – 1.00 pm</b>	<b>Evaluation and close of event</b>

### **Publicity for the Panel**

The Panel has given consideration as to how it might improve publicity for its work. John Gili-Ross undertook to do some work on what form a greater web presence for the Panel might take. John's analysis is attached to this report and the Panel is asked to indicate its agreement to proceed on this basis.

## **Networking with Other Panels**

At the Panel's request, contact has been made with Panels in neighbouring Counties to see if there is any appetite for networking. Interest has been expressed and the Panel needs to give some thought as to what form the networking might take.

## **The Landscape within which the Commissioner and the Panel operates**

This part of the report is an attempt to put the work of the Commissioner and the Panel into some form of context.

The main responsibilities of the Police and Crime Commissioner are:

- to secure an efficient and effective police force for their area;
- to appoint the chief constable, hold them to account for the running of the force and if necessary dismiss them;
- to set the police and crime objectives for their area by producing a five-year Police and Crime Plan (in consultation with the Chief Constable);
- to set the annual force budget and police precept and produce an annual report setting out their progress against the objectives in the Police and Crime Plan;
- to contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing Requirement;
- to co-operate with the criminal justice system in their area;
- to work with partners and fund community safety activity to tackle crime and disorder.

The Commissioner has created a new governance structure to provide experienced outside voices to help inform the thinking of both the Commissioner and the Chief Constable as they make decisions about the future of, and vision for, policing in Essex. He has introduced three new policing boards designed to help enable the Commissioner to fulfil his role of holding the Chief Constable to account for delivering the best possible policing for Essex both now and in the future. At the centre of the new structure is a Strategic Policing Board, which will advise the Commissioner and Chief Constable and help them refine their vision for policing in Essex and its relationship with other public partners. There will also be a Finance Committee which will consider long term funding issues and the implications of current financial challenges. It will not usually be concerned with short term accounting or audit matters. An Ethics and Integrity Committee will work strategically to help the Commissioner and Chief Constable understand what the future ethical challenges for the police service might be. It will not get involved in individual cases of misconduct, but would look at lessons learnt from current casework and emerging issues.

The Panel's role is to scrutinise the work of the Commissioner, exercising the function as a critical friend in support of the Commissioner. It cannot involve itself directly with Police operational issues.

Although not an exhaustive list the following all have an interest in the successful operation of the police force in Essex:

- the Home Secretary responsible for drugs policy, crime policy and counter-terrorism and ensuring visible, responsive and accountable policing in the UK
- the Home Affairs Select Committee which has been commenting on the performance of Police and Crime Commissioners nationally
- the Independent Police Complaints Commission oversees the police complaints system in England and Wales and sets the standards by which the police should handle complaints and making its decisions entirely independently of the police and Government. As part of its role in securing and maintaining public confidence in the complaints system, the IPCC uses learning from its work to influence changes in policing, ensure accountability and spread best practice and high standards of customer service.
- the people of Essex
- local authorities in Essex
- the Business Community
- victims of Crime
- those committing crime or under investigation
- Community Safety Partnerships: the 1998 Crime and Disorder Act established partnerships between local authorities, the police and police authorities, fire service, probation service, health authorities, the voluntary sector, and local residents and businesses. The partnerships work to reduce crime and disorder by establishing the levels of problems in their area, consulting widely with the district population to make sure that the partnership's perception matches that of local people and devising strategy to tackle priority problems. Each year the CSP must undertake a Strategic Assessment. This includes data analysis of levels and patterns of crime and disorder. Practical intelligence-led activity is used for setting priorities and allocation of resources. The results from the Strategic Assessment allow the CSP to set its priorities around crime and disorder.
- Safer Essex Partnership tackles the issues of crime, disorder, drugs and alcohol in Essex
- relevant voluntary organisations
- the Probation Service and its successor arrangements
- the Health Sector

### **Police and Crime Panels: the First Year**

Attached is a copy of a report produced by the Centre for Public Scrutiny on the first year of operation of Police and Crime Panels. This item was postponed from the last meeting as there had not been time to give it appropriate consideration.

Rather than investigate the duties of Panels in turn, the report draws out some key themes from the experiences of those working with, and sitting on, Panels, and from a desktop study of publicly-available information on each of the 41 Panels. It uses this evidence to make suggestions on how Panels, and those with whom they work, can plan their business in future.

It has already been suggested that the Report be used as one of the resources at the Panel's training event.

## **ESSEX POLICE AND CRIME PANEL**

### **TERMS OF REFERENCE**

1. To scrutinise the work of the Police and Crime Commissioner, exercising the function as a critical friend, in support of the Commissioner.
2. To review and produce a report on the proposed appointment of the Chief Constable.
3. To hold a confirmation hearing, and produce a report or recommendations (as necessary) in respect of proposed senior appointments made by the Commissioner.
4. To scrutinise the proposed precept and make recommendations. If not satisfied with the precept the Panel can veto it, provided there is a two thirds majority in agreement. The Commissioner will then have to respond to the Panel and publish the response.
5. To review the Commissioner's Police and Crime Plan, and produce and publish a report or make recommendations on the Plan.
6. With regard to the Commissioner's annual report, produced in accordance with section 12 of the Police Reform and Social Responsibility Act 2011, to question the Commissioner at a public meeting and scrutinise the decisions made by the Commissioner. The Panel must also produce recommendations or a report which is sent to the Commissioner and published.
7. To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions.
8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
9. Where required (i.e. if the Commissioner resigns, is disqualified from office, is suspended or incapacitated), appoint an Acting Police and Crime Commissioner from amongst the Commissioner's staff.

The Panel will be governed by schedule 12A of the Local Government Act 1972.

## **ESSEX POLICE AND CRIME PANEL**

### **PANEL ARRANGEMENTS**

#### **1. Operating Arrangements**

- 1.1 In line with Home Office guidance, Essex County Council shall act as the lead authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The lead authority will provide such administrative and other support as will be necessary to enable the Panel to undertake its functions. Home Office funding is expected for at least the first year. Thereafter, if no funds are provided by the Home Office, or if those funds are insufficient to cover the costs of running the Panel, the Lead Authority will defray and recover from the other members the costs of administrative support. The budget for the Panel will be agreed annually and the Panel will operate within the allocated budget.
- 1.3 In the event of the Panel being wound up, the Lead Authority will defray and recover from the other member authorities any associated costs exceeding the funding provided by the Home Office.
- 1.4 Any dedicated staff employed to support the Panel will be employed by the Lead Authority, and their terms and conditions will be that of the Lead Authority.
- 1.5 The Panel shall comprise a minimum of 15 councillors (one from each of the twelve Essex districts, one from the County Council and one from each of the two Unitaries) and two independent members.
- 1.6 Additional members may be co-opted onto the Panel, as long as the two independent members are also included, the size of the Panel does not exceed 20 and the Secretary of State approves the membership arrangements.

#### **2. Membership**

- 2.1 Any Councillor on the 15 appointing Councils is eligible for membership of the Panel.
- 2.2 All members of the Panel may vote in proceedings of the Panel.
- 2.3 The appointment of elected members to the Panel shall be made by each of the appointing councils in accordance with their own procedures provided that the balanced appointment objective is met. The balanced appointment objective requires that the local authority members of the Panel should:
  - (a) represent all parts of the police force area;
  - (b) represent the political make-up of the councils taken together; and
  - (c) have the skills, knowledge and experience necessary to enable the Panel to discharge its functions effectively.
- 2.4 The councils shall each appoint an elected Member to be a Member of the Panel. Additional nominations will be invited to positions for co-opted members in line with



the composition agreed by the Panel to reflect better the Political balance across the Police Force area and subject to approval by the Secretary of State.

2.5 Named substitutes may also be appointed by the 15 appointing Councils and notified to the Secretary to the Panel.

2.6 In the event that a council does not appoint a Member in accordance with these requirements, the Secretary of State must appoint a member to the Panel from the defaulting council in accordance with the provisions in the Act.

### **3. Casual Vacancies**

3.1 A vacancy on the Panel arises when a member resigns from the Panel.

3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their Constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 4 below.

### **4. Independent Members**

4.1 The Police and Crime Panel shall co-opt two independent members onto the panel for a term of four years, starting in 2012.

4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.

4.3 Information packs should be prepared and sent to those requesting application forms.

4.4 The applications will be considered against an agreed eligibility criteria and then an Appointments Sub-Committee will be established to consider applications and interview candidates.

4.5 Following the interviews, the Appointments Sub-Committee will make recommendations to the Panel about membership.

4.6 The Panel may decide to change either Independent Member at any point and on doing so shall give notice to the Secretary to the Panel.

4.7 Where the appointed Independent Member is an expert, the nominating body may change its nominee at any point and on doing so shall give notice to the Secretary to the Panel.

### **5. Term of Office**

5.1 A council may decide in accordance with its procedures to remove their appointed member from the Panel at any point and on doing so shall give notice in writing to the Secretary to the Panel.

5.2 An appointed member may resign from the Panel by giving notice in writing to the Secretary to the Panel and to their council.

5.3 In the event that any appointed member resigns from the Panel, or is removed by a council, the council shall immediately take steps to nominate and appoint an alternative member. Each Council should give notice in writing to the Secretary to the Panel that their member has been changed.

5.4 Members appointed to the Panel may be re-appointed for a further term provided that the balanced appointment objective is met by their reappointment. The term of office shall be for one year, with each council selecting its representative at its annual general meeting each year. There is no maximum number of terms that a member may serve.

5.5 The term of office of a member co-opted to the Panel to reflect better the Political balance across the Police Force area shall be for one year. The member may be co-opted for a further term provided that the balanced appointment objective is still met by their co-option.

## **6. Allowances**

6.1 Each council has the discretion to pay allowances to its representatives on the Panel. Any allowances payable to elected Members shall be determined and borne by the appointing councils.

6.2 The Lead Authority, on behalf of the Panel, may pay an allowance to the Independent Members and co-optees if this is agreed as part of the annual budget approved by the Panel.

6.3 The independent and co-opted members may claim allowances from the lead authority in accordance with the provisions contained within the lead authority's Members Allowances Scheme relating to "Co-opted Members of Committees Allowances" current at the time the duty was undertaken to which the claim relates.

## **7. Promotion of the Panel**

7.1 The Panel shall be promoted and supported by the Lead Authority through:

- (a) the issuing of regular press releases in consultation with the Chairman about the Panel and its work;
- (b) the inclusion of dedicated web pages on the work of the Panel, with the publication of Agendas and minutes. All reports and recommendations made, with responses from the Police and Crime Commissioner will be published.

## **8. Validity of proceedings**

8.1 The validity of the proceedings of the Panel is not affected by a vacancy in the membership or a defect in the appointment of a member.

## **9. Amendments to Terms of Reference, Panel Arrangements and Procedure Rules**

- 9.1 Any proposed amendments to the Terms of Reference, Panel Arrangements or the Procedure Rules of the Panel should be submitted to the Panel for its approval and may be submitted as and when required. In addition, the Panel will review and re-confirm its Terms of Reference and Procedure Rules annually.

## **ESSEX POLICE AND CRIME PANEL**

### **PROCEDURE RULES**

#### **1. Chairman and Vice-Chairman**

- 1.1 The Chairman will be elected during the Panel's first meeting, and then every year, and will be drawn from amongst the councillors sitting on the Panel.
- 1.2 The Vice-Chairman will be appointed during the Panel's first meeting, and then every year, and will be drawn from amongst the councillors sitting on the Panel.
- 1.3 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 councillors sitting on the Panel.

#### **2. Meetings**

- 2.1 There shall be a minimum of four ordinary meetings held in each municipal year to carry out the functions of the Panel. These meetings shall be open to the public except where such attendance is excluded by virtue of Part I of Schedule 12A of the Local Government Act 1972. In addition, extraordinary meetings may be called from time to time, as required.
- 2.2 An extraordinary meeting may be called by the Chairman, by a group of five members of the Panel or by the Monitoring Officer of the Police and Crime Commissioner.
- 2.3 In exceptional circumstances the Chairman may cancel or rearrange a meeting.

#### **3. Quorum**

- 3.1 A meeting of the Panel cannot take place unless one third of the whole number of its members is present. Under normal circumstances this would be five of the 15 council appointed members.

#### **4. Voting**

- 4.1 All members of the Panel may vote in proceedings of the Panel subject to the rules on declarations of interest.
- 4.2 One-third of the voting members present may require that the way all members cast their vote or abstained shall be recorded in the Minutes; such a request must be made before the vote is taken.

#### **5. Work Programme**

- 5.1 The Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Panel will also take into account the wishes of its members.
- 5.2 The work programme must include the functions set out in the Panel's terms of reference.

## **6. Agenda items**

6.1 Any member of the Panel shall be entitled to give notice to the Secretary to the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

## **7. Reports from Police and Crime Panels**

7.1 Where the Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.

7.2 The Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which he/she receives the report or recommendations:

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

7.3 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).

7.4 If the Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **8. Police and Crime Commissioner and Officers Giving Account**

8.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of the 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.

8.2 Where the Police and Crime Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Chairman will inform them in writing giving, where practical, 15 days' notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

8.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chairman of the Panel.

8.4 If the Panel require the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before

the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

## **9. Attendance by Others**

9.1 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.

## **10. Sub-Committees and Task Groups**

10.1 The Panel may from time to time establish time-limited task groups to undertake specific task-based work.

10.2 The “special functions” of the Panel may not be discharged by a sub-committee of the Panel or a task group.

10.3 In this paragraph “special functions” means the following functions conferred on the Panel by the Police Reform and Social Responsibility Act 2011:

- a) Section 28(3) (scrutiny of Police and Crime Plan);
- b) Section 28 (4) (scrutiny of annual report, produced in accordance with section 12 of the Police and Social Responsibility Act, 2011);
- c) Paragraphs 10 and 11 of Schedule 1 (review of senior appointments);
- d) Schedule 5 (issuing precepts); and
- e) Part 1 of Schedule 8 (scrutiny of appointment of the Chief Constable).

10.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

10.5 Where it is not possible to reach a consensus, attempts will be made to reflect minority views within the report but there is no provision for minority reports.

10.6 Sub-Committee and Task Group reports shall be reviewed by the Panel which will decide whether to ratify the findings and / or recommendations.

10.7 Paragraphs 8 (Police and Crime Commissioner and Officers giving account) and 9 (Attendance by Others) shall apply to Sub-Committees and Task Groups in the same way as they apply to the Panel.

## **11. Carrying out “Special Functions”**

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at (7).

## **12 Police and Crime Plan**

12.1 The Panel is a statutory consultee on the development of the Commissioner's Police and Crime Plan and will receive a copy of the draft Plan, or a draft of any variation to it, from the Commissioner.

12.2 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 Commissioner must take into account.

## **13 Annual Report**

13.1 The Commissioner must produce an Annual Report about the exercise of their 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.

13.2 The Panel must comment upon the Annual Report, 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 the Panel think appropriate;
- c) make a report or recommendations on the Annual Report to the Commissioner.

## **14 Senior appointments**

14.1 The Panel has powers to review the Police and Crime 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.

14.2 The Panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

14.3 With regard 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 from the Police and Crime Commissioner which will include:

- (a) the name of the candidate;
- (b) the criteria used to assess the suitability of the candidate for the appointment;
- (c) why the candidate satisfies those criteria; and
- (d) the terms and conditions on which the candidate is to be appointed.

- 14.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
- 14.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 14.6 Having considered the appointment, the Panel will be asked either:
- a) to support the appointment without qualification or comment;
  - b) to support the appointment with associated recommendations, or
  - c) to veto the appointment of the Chief Constable (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).
- 14.7 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.

## **15. Appointment of an Acting Police and Crime Commissioner**

15.1 The Panel must appoint a person to act as Police and Crime Commissioner if:

- a) no person holds the office of Police and Crime Commissioner;
- b) the Police and Crime Commissioner is incapacitated; or
- c) the Police and Crime Commissioner is suspended.

15.2 The Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.

15.3 In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.

15.4 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 Police and Crime Commissioner;
- b) the termination by the Panel, or by the acting commissioner, of the appointment of the acting commissioner;
- c) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.



## **16. Proposed precept**

16.1 The Police and Crime 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.

16.2 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).

16.3 If the Panel vetoes the proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to the report and any recommendations.

## **17 Complaints**

17.1 Non-criminal complaints in relation to the Police and Crime Commissioner or other office holders can be considered by the Panel through a hearing. The Panel can examine this through a sub-committee following the procedure rules at 10 above.

17.2 A Panel may suspend the Police and Crime 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.

17.3 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the Police and Crime Commissioner being acquitted of the offence;
- c) the Police and Crime 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.

17.4 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.

## **18. Suspension and Removal of the Chief Constable**

18.1 If the Commissioner suspends the Chief Constable from duty the Commissioner must notify the Panel of the suspension.

18.2 A Commissioner must not call upon a Chief Constable to retire 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 as to whether or not they should call for the retirement or resignation; or

(b) the Commissioner notifies the Panel of a decision as to whether they accept the Panel's recommendations in relation to resignation or retirement.

18.3 The Commissioner must also notify the Panel in writing of their proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable and any representation from the Chief Constable in relation to that proposal.

18.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, they must notify the Panel accordingly (the "further notification").

18.5 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 they should call for the retirement or resignation. Before making any recommendation, the Panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.

18.6 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

18.7 The Panel must publish the recommendation it makes by sending copies to each of the councils, and by any other means the Panel considers appropriate.

18.8 The Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

18.9 In calculating the six-week period, the post election period is ignored. The post election period begins with the day of the poll at an ordinary election of a Commissioner under section 50 of the Police Reform and Social Responsibility Act 2011 and ends with

the day on which the person elected as Commissioner delivers a declaration of acceptance of office under section 70 of the 2011 Act.

## **Essex Police and Crime Panel Web Site Review undertaken by John Gili-Ross**

### **Introduction and Aims**

Following an action agreed at the PCP meeting on the 29<sup>th</sup> January 2014 the web pages assigned to the PCP hosted within Essex County Council web site should be reviewed with the aim of revising the content and generally updating as appropriate.

Currently the web pages assigned to the affairs of the panel provide very basic information - set up in the early stage of the panel being formed. The aim of the PCP web site should be to provide the people of Essex with current and relevant information pertaining to the PCP: responsibilities, aims, member make-up and record of meeting decisions. Recommendations are made for web site content in heading terms and in some cases, actual content is suggested. Panel members should regard this submission, as a "first pass awareness" of what is typically included within some more established PCP web sites and what may be considered suitable inclusion within a revised Essex PCP web site. Members may feel this submission is adequate to form a foundation for web site changes and allow work to begin at the earliest opportunity.

It is assumed the actual content used to populate the revised web site will be created as required and the panel should give consideration as to who will be responsible for the initial revision and subsequent updates. The technical layout and integration of relevant material would be achieved possibly using the current ECC web site architecture however it would be very straightforward to create a separate PCP web site if preferred. There is some merit in having an independent PCP web site to highlight the panel operates under home office guidelines.

No assumption has been made regarding how costs will be met for planning, integration, design or content of individual PCP web pages as this would largely be governed by whether the web site will continue to be hosted as a subset of web pages on the ECC web site or separately as some county PCP are organised.

### **References Used**

Analysis has been carried out of other PCP web sites including our near neighbours of Kent, Suffolk, Cambridge and Hertfordshire (independently hosted web site). The Essex PCP web pages are not alone in being in need of review and fall some way short of both Suffolk and Cambridge which provide what could be regarded as an appropriate public facing platform for PCP affairs.

### **Considerations / Questions to be addressed by panel members**

Most PCP sites referenced provide panel membership makeup and contact details although some sites do not include all member details and it can only be assumed that some members do not want their contact details made available. Members should decide whether they want to receive direct communication from the public or whether this should be directed to the PCP administration. The public do expect to directly contact members elected/appointed to represent them. There is likely to be an administration and process overhead if direct contact with members is employed. Should there be a means provided for the public to mail in questions to the PCP Chairman alongside the ability to directly attend a formal meeting to ask questions in person?

Should meetings be available to the public through a web-cast as is the case for some county PCP meetings allowing viewing at convenient times and locations? Unless web-cast capability is already available for other ECC meetings then this may not be viable in cost terms.

## **Recommended Sub-Headings and Content Where Applicable**

### **PCP initial landing page**

This should provide a brief PCP overview and the objective of the panel with the following being a typical example.

*“The Essex Police and Crime Panel is a joint committee reporting to the Home Office and established according to Schedule 6, Part 2, clause 4(5)(b) of the Police Reform and Social Responsibility Act 2011. The Panel is responsible for supporting and challenging the [Essex Police and Crime Commissioner \(PCC\)](#).*

*On 15 November 2012, Nick Alston was elected as the first Essex [Police and Crime Commissioner \(PCC\)](#). The PCC holds responsibility for setting policing priorities for Essex police force, holding the Chief Constable to account for delivering these priorities and spending the police budget in a manner that addresses these priorities.*

*The PCC is challenged and supported by the Police and Crime Panel (PCP). The Panel has the role of scrutinising the performance of the PCC, and will challenge and support the PCC's activities over a range of policy areas, including the delivery of the Police and Crime Plan. The Police and Crime Panel consist of 18 members in total, with 14 nominated by the Essex District and Borough Councils plus two independent and one co-opted member. The Chair of the panel is appointed by Essex County Council. Panel members have been appointed from local authority representatives to achieve political proportionality across Essex.” The Panel will also have a role in the handling of [complaints](#) against the PCC and the confirmation of key staff posts within the Office of the PCC.*

*Together Panel members reflect the breadth of communities across Essex. The Panel has certain statutory functions, set out in the [Police Reform and Social Responsibility Act 2011](#):*

- ☐ *reviewing the police and crime plan*
- ☐ *reviewing the PCC's annual report*
- ☐ *carrying out confirmation hearings for certain senior appointments*
- ☐ *carrying out confirmation hearings for the chief constable*
- ☐ *investigating complaints about non-criminal behaviour of the PCC*
- ☐ *support and scrutinise the effective exercise of the functions of the PCC*

*The Panel must meet a minimum of four times a year and hosted by ECC at County Hall. Planned meeting dates can be found [here](#)*

### **Web Page - PCP Terms of Reference**

The terms and conditions example copied as Appendix A below, broadly match those used for representative approval by the Unitary, Districts and Boroughs councils prior to the PCP being implemented.

### **Web Page - Meeting Dates**

This information is already available and future updates can be added as available.

### **Web Page - Panel Member Identities**

This information is already available. The panel should decide the level of detail provided. Most reference sites viewed include recent member photographs, nominating district or borough, political representation, telephone number(s) and e-mail address.

Full contact details for the support officer should be provided.

### **Web Page - Publication Links**

This should include a copy of the following documents or a hyperlink to the following information:

Police and Crime Plan

The PCC Annual Report

Chief Constables appointment and biography

The current or proposed budget

Any report written by the panel to the PCC.

### **Web Page – “Contact Us” page**

Again a feature of most sites referenced. The following is a copy of that which appears on the West Yorkshire PCP web site, which has been modified for possible inclusion in the Essex PCP web site:

*To ensure we represent the interests of all the residents in Essex, we welcome your thoughts on how the Police and Crime Commissioner is addressing Policing, Community Safety and Crime in your local area:*

- 1. What is working well?*
- 2. What could work better?*
- 3. What suggestions and advice can you offer to support the Commissioner?*
- 4. What issues would you like the Police and Crime Panel to raise with the Commissioner?*

*To answer these questions or to make the Panel aware of any other concerns, comments, compliments or suggestions then please complete the form below.*

*Alternatively you can write to us at:*

*Essex Police and Crime Panel, Democratic Services, County Hall, Market Road  
Chelmsford Essex CM1 1QH*

*To make a formal complaint against the Police and Crime Commissioner see our complaints page*

*If you want to contact the Police and Crime Commissioner directly then please visit their website at <http://www.essex.pcc.police.uk>*

### **Web Page - Complaints Page**

See the appendices below:

## **Appendix A - Example Contents Pages**

### **Essex Police And Crime Panel - Terms Of Reference**

1. The Panel's role is to scrutinise the work of the Police and Crime Commissioner, exercising the function as a critical friend, in support of the PCC.
  2. To review and produce a report on the proposed appointment of the Chief Constable.
  3. To hold a confirmation hearing, and produce a report or recommendations (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
  4. To scrutinise the proposed precept and make recommendations. If not satisfied with the precept the PCP can veto it, provided there is a two thirds majority in agreement. The PCC will then have to respond to the panel and publish the response.
  5. To review the PCC's Police and Crime Plan, and produce and publish a report or recommendation on the plan.
  6. With regard to the annual report, produced in accordance with section 12 of the Police Reform and Social Responsibility Act 2011, the panel must question the PCC at a public meeting and scrutinise the decisions made by the PCC. The panel must also produce recommendations or a report, which is sent to the PCC and published.
  7. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
  8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
  9. Where required (i.e. if the PCC resigns, is disqualified from office, is suspended or incapacitated), appoint an Acting Police and Crime Commissioner from amongst the Commissioner's staff.
- The Panel is governed by schedule 12A of the 1972 Local Government Act.

## **Complaints Page**

### **Making a Complaint**

#### **When to complain.....**

If you have a concern about something the Commissioner or their Deputy has said or done, the first step is to raise it with them. Their contact details are set out below.

If you are still not satisfied, you can make a complaint to us, the Police and Crime Panel. There is a Complaints Form you can download to help you.

Someone can act on your behalf (perhaps a friend or relative) if you give your written permission for them to do so.

#### **What we can do.....**

Complaints about the behaviour of the Commissioner or their Deputy are dealt with either by the [Independent Police Complaints Commission](#) (IPCC) or by us, the Panel. We have to record any complaints alleging criminal conduct (or which indicate criminal conduct may have occurred) by the Commissioner or their Deputy. We then have to refer these complaints to the IPCC for investigation. Any other complaints are handled by us, usually through Informal Resolution. Informal Resolution means encouraging, helping and bringing about the resolution of a complaint without going through legal or formal proceedings.

We can consider complaints about the way a decision has been made or the behaviour of the Commissioner or their Deputy, if this has caused problems for you. For example,

you may want to complain about the Commissioner or their Deputy not following their own rules.

### **What we can't do.....**

We can't just question what the Commissioner or their Deputy has done simply because you don't agree with it. There must be some alleged fault by the Commissioner or their Deputy. For example, you may think that they have not followed the proper process for taking a decision. There are some things we can't look into because there is a more appropriate body to deal with your complaint, or because we don't have the legal power to do so. If we can't help, we will tell you about other organisations that may be able to help. In particular, we are not able to deal directly with complaints about the performance of Essex Police or any of their officers. How such complaints are to be dealt with can be found at [www.essex.police.uk](http://www.essex.police.uk). If you are unsure about whether your complaint is appropriate for the Panel to look into, please contact the Democratic Services 01245 435313 in the first instance, who will be able to advise you.

### **More Information?**

You will be able to find out more information about making a complaint by clicking on the links below:

- ☐ How We Deal With Your Complaint
- ☐ Possible Outcomes
- ☐ Complaints About The Panel

Contact details for the Police and Crime Commissioner for Essex

Website: [www.essex.pcc.police.uk](http://www.essex.pcc.police.uk)

E mail: [concerns@essex.pnn.police.uk](mailto:concerns@essex.pnn.police.uk)

Telephone: 01245291600

Address: PCC for Essex

3 Hoffmanns Way

Chelmsford

Essex

CM1 1GU

Contact details for Essex Police and Crime Panel

Email: [GovernanceTeam@essex.gov.uk](mailto:GovernanceTeam@essex.gov.uk)

Telephone: 01245 435313

Address: Democratic Services

County Hall

Market Road

Chelmsford

CM1 1QH

Other contact details

Essex Police Compliments and Complaints (for compliments or complaints about police officers or police staff):

Website: [www.essex.police.uk/contact\\_us/compliments\\_\\_complaints.aspx](http://www.essex.police.uk/contact_us/compliments__complaints.aspx)

E mail: Needs insertion

Telephone: 101

Address: Professional Standards Department

Essex Police Headquarters,



Springfield Road,  
Chelmsford,  
Essex,  
CM2 6DA

Independent Police Complaints Commission (IPCC) (for complaints about alleged or potential criminal matters):

Website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

E mail: [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk)

Telephone: 0300 020 0096 (9.00am to 5.00pm Monday - Friday)

Address: Independent Police Complaints Commission

PO Box 473

Sale

M33 0BW