

Essex Police and Crime Panel

14:30	Thursday, 29 October 2015	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 5

Membership

Councillor Tony Hedley
 Councillor Graham Butland
 Councillor William Russell
 Councillor Godfrey Isaacs
 Councillor Bob Shepherd MBE
 Councillor Tim Young
 Councillor Gary Waller
 Councillor John Jowers
 Councillor Tony Durcan
 Councillor Penny Channer
 Councillor Jo McPherson
 Councillor Ian Gilbert
 Councillor Lynda McWilliams
 Councillor Jane Potheary
 Councillor Jim Gordon
 John Gili-Ross
 Kay Odysseos

Representing

Basildon Borough Council
 Braintree District Council
 Brentwood Borough Council
 Castle Point Borough Council
 Chelmsford City Council
 Colchester Borough Council
 Epping Forest District Council
 Essex County Council (Chairman)
 Harlow District Council
 Maldon District Council
 Rochford District Council
 Southend Borough Council
 Tendring District Council
 Thurrock Borough Council
 Uttlesford District Council
 Independent Member
 Independent Member

For information about the meeting please ask for:

Colin Ismay, Council and Member Support Manager, ECC, and Secretary to the Panel

Fiona Lancaster, Committee Officer

Telephone: 033301 34573

Email: fiona.lancaster@essex.gov.uk



Essex County Council

Essex County Council and Committees Information

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Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence and Notices of Substitution The Secretary to the Panel to report receipt (if any).	
2	Minutes To approve the minutes of the meeting held on 28 May 2015 (attached).	5 - 12
3	Declarations of Interest Members are invited to declare any interest in any item on the agenda. Members may still declare an interest in an item at any time prior to its consideration.	
4	Questions to the Chairman from Members of the Public The Chairman to respond to any questions relevant to the business of the Panel from members of the public.	
5	Actions arising from the last meeting	13 - 14
6	Membership	15 - 16
7	Responding to Today's Demands Planning for Tomorrow's Challenges The Panel to debate the proposals announced on 6 October 2015 by the Chief Constable and the Commissioner.	17 - 32
8	Update from the Chief Constable	
9	Review of Complaints Procedure	33 - 54
10	Forward Look	55 - 56
11	The Police and Crime Commissioner to update the Panel on On-going Issues (if any)	

12 Dates of Future Meetings

To agree meetings scheduled for 2.30 pm on the following dates in 2016: 29 January, 18 February, 26 May, 27 October and 1 December.

To note that the next meeting will be held at 2.30 pm on Thursday 26 November 2015, in Committee Room 1, County Hall.

13 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

14 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF A MEETING OF THE ESSEX POLICE AND CRIME PANEL HELD AT COUNTY HALL, CHELMSFORD, ON 28 MAY 2015

Present:

Councillor

Tony Hedley
Graham Butland
Godfrey Isaacs
Bob Shepherd
Tim Young
Gary Waller
John Jowers
Stephen Savage
Jo McPherson
Lynda McWilliams

Representing

Basildon Borough Council
Braintree District Council
Castle Point Borough Council
Chelmsford City Council
Colchester Borough Council
Epping Forest District Council
Essex County Council (Chairman)
Maldon District Council
Rochford District Council
Tendring District Council

Kay Odysseos

Independent Member

Apologies for Absence:

Councillor

John Newberry
Mike Danvers
Penny Channer with
Stephen Savage as
her substitute
Mike Assenheim
Jim Gordon

Representing

Brentwood Borough Council
Harlow District Council
Maldon District Council

Southend Borough Council
Uttlesford District Council

John Gili-Ross

Independent Member

The following officers were in attendance throughout the meeting:

Jane Gardner, Head of Commissioning Growing Essex Communities
Colin Ismay, Council and Member Support Manager, Essex County Council,
Secretary to the Panel
Fiona Lancaster, Committee Officer, Essex County Council

Nick Alston, the Essex Police and Crime Commissioner, and Lindsay Whitehouse, Deputy Commissioner, were in attendance throughout supported by the following officers:
Susannah Hancock, Chief Executive
Charles Garbett, Treasurer
Carly Fry - Assistant Director for Performance and Scrutiny

1. Election of Chairman

It having been moved by Councillor Butland and seconded by Councillor Shepherd it was

Resolved:

That Councillor J Jowers be elected Chairman for the 2015/16 municipal year.

2. Appointment of Vice-Chairman

It having been moved by Councillor Isaacs and seconded by Councillor McWilliams, it was

Resolved:

That Councillor J McPherson be elected Vice-Chairman for the 2015/16 municipal year.

3. Apologies for Absence and Notices of Substitution

The Chairman informed the members that Councillor Jim Gordon had recently been appointed as the representative for Uttlesford District Council.

4. Minutes

The minutes of the meeting held on 29 January 2015 were approved as a correct record and signed by the Chairman.

5. Declarations of Interest

The Chairman reminded Panel members to declare any specific interests as appropriate throughout the meeting.

6. Questions to the Chairman from Members of the Public

There were no questions.

The Chairman informed the Panel that the meeting was being recorded by a member of the local BBC news channel.

7. Actions arising from the last meeting

The Panel received report EPCP/05/15 by the Secretary to the Panel highlighting the matters raised during the previous meeting that required further action and indicating the action taken.

The Commissioner confirmed that he had passed on Councillor Mackrory's concerns about drug-related activity to the District Commander for Chelmsford.

The Commissioner indicated that he would provide a further report regarding officers on restricted duties later in the meeting.

8. Membership

The Panel received report EPCP/06/15 by the Secretary to the Panel reviewing the membership of the Panel.

The Panel agreed that no decision would be taken at this stage as the impact on the membership of the May council elections was not yet clear. Councillor Young reported that Dominic Graham (Liberal Democrat) had now been appointed as his Colchester Borough Council substitute on the Panel.

9. Report from the Police and Crime Commissioner: Finance update

The Panel considered report EPCP/07/15 by the Commissioner's Treasurer to the Commissioner's Office which provided the Panel with:

- i) a financial summary of the provisional 2014/15 revenue and capital outturn; and
- ii) a commentary on the progress to date in delivering the 2015/16 capital investment plans.

The provisional budget overspend was £2.1m after allowing for carry forwards and transfers to specific earmarked reserves. The provisional capital outturn position on an accruals basis was £6.985m which was lower than the June 2014 forecast by £3,013m.

The following points were made during the ensuing discussion.

- The Commissioner explained that the budget overspend was mainly due to the two major investigations into the murders of James Attfield and Nahid Almanea in Colchester, and as a result of an unsuccessful request for a special Government grant to fund these unplanned costs.
- Members noted that the Community Safety Grants had been rationalised into one fund.
- The Commissioner reported that the Force was significantly reducing its expenditure, with £9m having been taken out of the Chief Constable's budget, but that it was becoming more challenging to do this without noticeable reductions in services for residents. The key challenge is how to engage the entire Essex Force with the Estates Strategy and new ways of working.
- The Treasurer explained that a minimum level of reserves will continue to be maintained at £10m to ensure there are sufficient funds available to meet requirements.
- The Commissioner explained that if the cap on the precept cannot be removed there will be no alternative but to cut staff numbers and services, and to plan for more regionalisation. He indicated that, in his view, a referendum such as that being held in Bedfordshire would be highly expensive and unlikely to be successful in seeking support from residents to a significant increase in the police precept.
- The Panel indicated that in relation to Community Grant Funding, it would be helpful to see a more outcomes based report showing examples of

successes and failures, value for money, and the impact of commissioning. The Deputy Commissioner undertook to circulate a report reviewing the New Initiatives Fund, now retitled the Community Safety Development Fund (CSDF), which shows what has been delivered.

- The Commissioner reported that there was an historic relationship in respect of using Essex Legal Services on a range of matters, but his Office was tendering for alternative legal advice to ensure best value for money.

10. Child Abuse and Child Sexual Exploitation

The Panel considered report EPCP/08/15 by the Commissioner providing an update on some of the work carried out by Essex Police with regard to child abuse and specifically child sexual exploitation as well as with an update on the work of the Commissioner in these areas both with Essex Police and wider partners. The Commissioner asked Carly Fry, Assistant Director of Performance and Scrutiny and the author of the report, to assist him in dealing with any questions.

The following points were made during the ensuing discussion.

- The number of cases being dealt with by each officer within the Child Abuse Investigation Teams (CAIT) had increased due to the impact of further reporting of historic cases. The Panel acknowledged that it was difficult to make number comparisons as some cases were more complex than others. Supervision was the key to driving improvements in this area.
- The Assistant Director of Performance and Scrutiny undertook to check and report back to the Panel on whether the terms of reference for the SET Strategic Board had now been agreed upon.
- The Panel was reassured that the Commissioner's Office was monitoring the CSE referral pathways to ensure improvement plans were in place, and the Chief Executive undertook to check the timescales with regard to Operation Maple.
- In response to a request for a more detailed breakdown on reported child offences, the Commissioner explained that he was committed to collating a more detailed analysis so that bespoke interventions can be delivered.
- The partners across Essex continue to show a willingness to work together. In addition, the Commissioner mentioned that he is meeting with Essex School Governors to talk about Hidden Harm, and he continues to engage with the Youth Forum.
- The Panel noted that 'neglected' children were captured in the health and social care sector.
- Members expressed concern regarding recent high profile child abuse scandals. The Commissioner indicated that he was increasingly confident

that the arrangements being put in place with a newly trained Essex Police team will help prevent such instances happening in Essex.

The Panel welcomed the report.

11. Estates Review

The Panel considered report EPCP/09/15 by the Commissioner's Head of Estates Services, providing an update on the Estates strategy and progress to date.

The following points were made during the ensuing discussion.

- The Commissioner introduced James Greenway, the Essex Police Head of Estates Services, and explained that James came from a commercial sector background and was using this experience to help deliver a more cost-effective and efficient Estate for Essex Police.
- Members noted the findings of the work carried out by Mouchel Consulting in 2014, which demonstrated that Essex Police Headquarters was the biggest estate expense to the Force.
- It was envisaged that at the end of the five-year estate strategy process, a minimum of £2m in savings could be achieved each year.
- Custody suites were the most expensive facility to build.
- The Panel expressed some disquiet about the intended level of consultation within the County and the potential threat of judicial review if there was a failure to consult appropriately. The Commissioner undertook to review the planned consultation and engagement process and welcomed the offer from Councillor Hedley to talk to the Fire Service in connection with this matter.
- The Commissioner offered to provide the Panel with an informal briefing on the estate strategy to enable Members to input into the consultation process. The Panel welcomed the offer.
- Members highlighted the benefits of involving local residents with disposal plans, citing the example of West Mersea police station now being developed into a new GP surgery, following a community asset purchase.
- Members acknowledged that the presence of police stations provided reassurance to the public, regardless of the actual benefits. They also noted that less than 1% of police stations were currently vacant, and that there are barriers preventing the speeding up of the disposal process.
- The Commissioner welcomed the advice that estate disposals and new 'hub' plans need to be linked in with local authority development plans.

12. Athena/ESMCP (Airwave) Update

The Panel considered report EPCP/10/15 by the Commissioner providing an update on the implementation of the Athena and Airwave programmes.

The following points were made during the ensuing discussion.

- The Commissioner reported on the main issues of concern with the roll out of Athena, including the problems with the network after the initial launch, the difficulty with the interface with the Home Office identity and Access Management (IAM) portal, and the ongoing challenges with its operational usage in Custody. Members noted that a patching exercise was planned to address many of the issues identified.
- Members noted that £7m of funding had been secured for the next stage of project development, and that Warwickshire and West Mercia forces intended to adopt the Athena programme.
- A review of the commercial arrangements with Northgate Public Services had been carried out, and plans were underway to determine a new system of governance to manage the programme, taking into account the additional forces coming on board.
- The new Airwave radio system was due to be rolled out in Essex in February 2017. The suppliers have stated they cannot deliver an 18 month lead in, so the Home Office Programme Board is now considering the options to deliver the service. Members noted the continued high level of risk associated with the programme. The Commissioner undertook to provide a further update on 'Airwave' at a future meeting.

13. Hidden Harm Annex to Police and Crime Plan

The Panel noted report EPCP/11/15 by the Chief Executive of the Commissioner's Office explaining the background and context for the new *Hidden Harm annex* to the Police and Crime Plan.

The Panel welcomed the addition.

14. Forward Look

The Panel considered report EPCP/12/15 by the Secretary to the Panel concerning the planning of the Panel's business.

The Panel agreed the business proposed for the scheduled October and November 2015 meetings. The Chairman indicated that it would be helpful if the Commissioner's Office could provide detailed figures regarding Part-Night Lighting when the Panel reviews this item in October. The Panel also indicated that it would welcome the attendance of the Chief Constable at its October meeting.

Panel Members **agreed** that an informal meeting would be held at 14:00 on Thursday 17 September 2015 to discuss future items of business.

15. Date of Next Meeting

The Panel noted that the next formal meeting would take place at 14:30 on Thursday 29 October 2015, in Committee Room 1, County Hall, and that this would be preceded by a private pre-meeting starting at 13:45.

16. Exclusion of the Press and Public

Resolved:

That, having reached the view that the public interest in maintaining the exemption (and discussing the matter in private) outweighed the public interest in disclosing the information, the public (including the press) be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

17. Update on On-going Issues

(Exempt under paragraphs 1 and 2 - information relating to any individual or which is likely to reveal the identity of any individual).

The Commissioner provided the Panel with more information on the rigours of the process, current numbers, and the implications of officers and civilian staff on restricted duties. He also explained the role of the Commissioner's Office in respect of evaluating the findings of Operation Maple.

Chairman
29 October 2015

AGENDA ITEM 5

Essex Police and Crime Panel	EPCP/013/15
Date: 29 October 2015	

Actions arising from the last meeting

Report by the Secretary to the Panel

Enquiries to: Colin Ismay: 033301 34571 colin.ismay@essex.gov.uk

Purpose of report

To highlight matters raised at the last meeting requiring further action and to indicate the action taken.

Minute No	Action required	Action taken
9	Panel asked to see a more outcomes-based report relating to distribution of Community Grant Funding. Deputy Commissioner undertook to circulate report.	Circulated 29 May.
10	The Assistant Director of Performance and Scrutiny undertook to report back to the Panel on whether the terms of reference for the SET Strategic Board had been agreed.	These have been signed off.
10	Chief Executive undertook to check the timescales with regard to Operation Maple	These have been confirmed.
10	In response to a request for a more detailed breakdown on reported child offences, the Commissioner explained that he was committed to collating a more detailed analysis so that bespoke interventions can be delivered	
11	The Commissioner undertook to review the planned consultation process on the estate strategy and welcomed the offer from Councillor Hedley to talk to the Fire Service in connection with this matter	Public process launched on 6 October
11	The Commissioner offered to provide the Panel with an informal briefing on the estate strategy.	Briefing took place on 10 September 2015

Minute No	Action required	Action taken
12	The Commissioner undertook to provide a further update on 'Airwave' at a future meeting.	
14	The Chairman indicated that it would be helpful if the Commissioner's Office could provide detailed figures regarding Part-Night Lighting when the Panel reviews this item.	Report to November meeting.

AGENDA ITEM 6

Essex Police and Crime Panel	EPCP/014/15
Date: 29 October 2015	

Membership

Report by the Secretary to the Panel

Enquiries to: Colin Ismay: 033301 34571 colin.ismay@essex.gov.uk

Purpose of report and background

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 12 district councils appoint a member to the Essex Panel, which must also include two independent members. The maximum panel size is 20 members. 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 723 in the following proportions:

Conservative	Labour	Liberal Democrat	Other	UKIP
422 (58.4%)	85 (11.7%)	63 (8.7%)	88 (12.2%)	65 (9%)

The most recent appointees to the Panel are 11 Conservative and four Labour against proportions of 9:2:1:2:1.

In terms of Council Administrations, there are 10 Conservative, 1 Labour and 4 with no overall control.

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 has subsequently accepted her resignation because other commitments were preventing her from attending meetings and has taken no decision concerning the filling of the vacancy.

Should the Panel wish 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.

AGENDA ITEM 7

Essex Police and Crime Panel	EPCP/015/15
Date: 29 October 2015	

Responding to Today's Demands Planning for Tomorrow's Challenges

The Panel to debate the proposals announced on 6 October 2015 by the Chief Constable and the Commissioner (attached).

RESPONDING TO *TODAY'S DEMANDS* PLANNING FOR *TOMORROW'S CHALLENGES*

Essex is a safe county served by thousands of brave, committed and hard-working officers and staff. Keeping people safe is what motivates us to walk towards danger, but doing that means we've also got a responsibility to spend reducing budgets in the best possible way in order to protect and serve this county.

The proposals which I announce today with the Police and Crime Commissioner will provide for:

- A renewed and realistic commitment to local policing, which acts first on the highest risk and harm incidents but works in partnership to solve neighbourhood problems;
- A modern and efficient police estate working with us to help people rather than against us by spending too much on ageing, unsustainable buildings;
- And new ways to contact Essex Police, using the technology that is such an instinctive part of our lives today to access information and support.

Why are we taking these decisions?

Firstly, crime is changing: a "bobby on the beat" force cannot keep the whole county safe at all times. We have to be smarter, more innovative and more incisive in how we prevent, disrupt and stop crimes like sexual exploitation and domestic abuse. The harm associated with these crimes is high but hidden, requiring sophisticated investigation by specialist detectives of predatory suspects who may live on the other side of the world.

Secondly, Essex Police costs less per person in Essex every day than a pint of milk, making us a great value force but meaning that we've got no easy choices to make in terms of what to save. We saved over £40m but we've been told we need to save at least £60m more by 2020. In an organisation which spends over 80p in every pound on salaries, less money means fewer people.

No leader likes to announce that valued staff may be leaving their organisation. The work our front counter staff and PCSOs do is held in high regard by communities across the county and for good reason. But my job is to put the resources available to me in the best place to protect people from harm. I am clear that the best way to do that in Essex today is to put greater emphasis on harm and vulnerability and with that comes a changed emphasis on different victims, different offenders and different crimes.

Money is a really big part of the changes we have to make, but it's not the only factor. Many of the changes we announce today would need to be made even if money wasn't a problem. We need to get smarter, we need to get more efficient, and we need to put our limited resources where they can help people in need, not in to outdated buildings or outmoded styles of policing.

continued overleaf



The local policing teams that will serve the ten policing districts of Essex will be teams mixing action on locally-identified priorities, response to emergencies and calls for help from those who need it, and investigative and specialist teams tackling serious crime and domestic abuse.

The smaller, sustainable estate, led by a new and cheaper force headquarters, will help us deliver that policing model and will rid us of a £30m backlog of building maintenance that if left unchecked would increasingly jeopardise our ability to keep people safe. And new ways of getting in touch with us will provide for Essex Police the levels of public service that our communities expect and demand.

As Chief Constable I know today's announcements may lead to hard-working professionals leaving Essex Police. The announcements will be difficult for many to hear and have been the subject of lengthy and intense discussion and deliberation. But I believe they are absolutely essential to renew our pledge to protect the people of Essex in the best way we can, catching criminals and placing victims at the heart of all we do.



Stephen Kavanagh
Chief Constable,
Essex Police



RESPONDING TO **TODAY'S DEMANDS** PLANNING FOR **TOMORROW'S CHALLENGES**

Policing faces a number of significant challenges. Crime is changing, with domestic abuse, online stalking and cyber crime making the front line your front room. There are significant financial challenges, with Essex Police facing potential cuts of £63 million by 2019-20. Technology is altering the way criminals commit crimes. The public has changing expectations of how to contact the police. The consequence is that policing has to change.

Chief Constable Stephen Kavanagh and I are proposing a number of significant changes to all facets of Essex Police to deliver a police force that is fit for the future. We want to make the Essex Police property estate fit for purpose. We want to improve the efficiency and effectiveness of policing. We intend to improve contact between police and the communities they serve.

Let me be clear. Some of the changes we are proposing we would be making regardless of the financial context. Essex Police's 80 buildings are in a poor state of repair. They require £30 million of maintenance work to bring up to standard and expenditure of almost £2 million a year just to maintain the current condition. Based on careful analysis the plan is to reduce the estate to 30 buildings strategically placed around Essex. The force also needs a Headquarters that is modern and fit for purpose both now and for the next 20 years, and we have the opportunity to deliver this.

Contact between police and the public must better reflect the way we live our lives. Very few people report crimes at police stations, and we must make it possible for members of the public to use secure online systems both to tell police about crimes and track the progress of investigations.

But some of the changes we are proposing are highly regrettable and will have a real impact on the lives of professional, hard-working, police staff and PCSOs. With around 83 per cent of the police budget spent on the salaries of police officers, staff and PCSOs, the financial cuts mean that Essex Police will have a smaller workforce.

Both the Chief Constable and I are determined that Essex Police must stay connected with the communities it serves. New Community Policing Teams will be created to work alongside response officers dealing with emergencies, detectives investigating the most serious crimes and specialist domestic abuse and public protection officers. The Community Policing teams will lead on:

- Problem solving around emerging crime series and hotspots, including high risk or repeat Anti-Social Behaviour
- Working with partners to address local issues
- Supporting the most vulnerable victims
- Policing the busy night life of our towns
- Engaging with local communities

Some of these changes are necessary and long overdue. Some are difficult and painful – especially as there are likely to be many fewer PCSOs and police staff serving their communities. I encourage everyone to join this autumn's engagement programme to raise local issues with Essex Police and help find potential solutions. In the face of hard choices, the Chief Constable and I are determined that Essex Police will continue to do all it can to keep our county safe both now and for the future.



ESSEX POLICE IS *CHANGING*

In the face of unprecedented challenges, Essex Police has to change. The series of proposals announced today are intended to:

- Make the Essex Police property estate fit for the future
- Improve public contact between police and the communities we serve
- Improve the efficiency and effectiveness of policing

The financial challenges are clear and stark. Essex Police is anticipating cuts of around £63 million by 2019-20, on an annual budget of around £262 million. Around 83 per cent of the budget is spent on the salaries of police officers, PCSOs and police staff. With £1 million paying for 20 police constables for a year, these financial challenges inevitably mean that Essex Police's workforce will become significantly smaller over the next few years.

But there are policing challenges too. Some of the most serious crime now happens not on our streets but behind closed doors and online. More resources and greater intelligence must be used to tackle horrific crimes such as child sexual exploitation. Essex Police must take ever greater account of risk and the vulnerability of victims. Policing must respond, develop and adapt to these emerging threats.

The new model of policing for Essex has been developed in the clear knowledge that it is police officers, not buildings, that solve crimes and keep communities safe. The current police property estate is in a parlous state, with poorly maintained buildings in the wrong place failing to serve operational need. Essex Police needs modern fit for purpose accommodation in the right locations to meet the challenges of policing for the next 20 years.

The current property estate is haemorrhaging money. Essex Police's 80 buildings require £30 million of maintenance work to bring up to standard and expenditure of almost £2 million a year just to maintain the current condition. Most of the buildings are inefficient and not designed for a modern policing purpose. Based on careful analysis the plan is to reduce the estate from 80 to 30 buildings strategically placed around Essex.

There are currently 25 police stations with front

counters in Essex. The plan is to reduce this number to 10 front counters by April 2016, with locations determined by footfall and geography.

Essex Police proposes to retain front counters, open to the public from 9am to 5pm, in: Grays, Basildon, Southend, Harlow, Chelmsford, Maldon, Saffron Walden, Braintree, Colchester and Clacton. Operational policing bases, without front counters, will be kept in: Loughton, Brentwood, Canvey Island, Rayleigh and Harwich.

Even with these proposed changes, Essex Police will still have significantly more front counter opening hours than other police services both in the region and nationally.

One consequence of reducing the number of front counters is that fewer police staff posts will be needed. Formal consultation has now begun with Unison over proposals to reduce Contact Customer Administrator posts from 98 to 36. If the proposals are implemented, affected staff will either be retained in post, redeployed to other roles or, sadly, face redundancy.

The number of people who visit police station front counters is low, and less than one in ten of those visitors reports a crime or other incident. Overwhelmingly, people say that they want to report crime and contact police by other means such as by telephone, email or online. A flexible, modern, approach to contact between the public and police is needed. It is planned that by April 2016, people will be able to contact Essex Police and report crime online as well as by telephone. In addition, through this autumn's public engagement programme, other ways of delivering face-to-face contact with police will be explored across our county.

It is also proposed to create a new Essex Police Headquarters which is fit for the future. The current Essex Police Headquarters site in Springfield is made up of numerous buildings some of which are around 100 years old, sprawling across 20 acres of land. The use of the Springfield site is highly inefficient, costing £2.5 million more each year than is necessary, and this hinders effective working. The current Headquarters is located on highly valuable residential land. Selling the Springfield site and unlocking its value provides the opportunity for building a new modern fit for purpose Essex Police Headquarters. Negotiations for a new site are at an advanced stage, and details will be announced shortly.

Perhaps the most fundamental changes proposed are to local policing. Research shows that 80 per cent of crime is committed by 20 per cent of criminals, and Essex Police will continue to target the offenders who cause the most harm. However, in the face of significant budget cuts, there will inevitably be fewer police officers and PCSOs on our streets, and their work will need to be increasingly intelligence-led. Patrolling will be targeted, for instance on emerging hot spot areas or at closing time in our busy town centres.

It is proposed to reduce the number of PCSO posts in Essex from 250 to 60. Formal consultation has begun with Unison around these proposals. PCSOs and front counter staff are highly professional and valued. If these proposals are implemented, Essex Police will seek to redeploy affected staff where possible. However ultimately, staff will either be retained in post, redeployed to other roles or, regrettably, face redundancy.

Essex Police must stay connected with the communities of our county. So, it is proposed to create ten Community Policing Teams, one in each District Policing Area, based in Community Safety Hubs, and working closely with partners.

Local policing will be delivered by:

- Community Policing Teams engaged in local problem solving
- 24/7 Response teams dealing with 999 emergency calls and crime
- CID teams of detectives investigating serious crimes
- Specialist domestic abuse teams

The new Community Policing Teams will focus on the following tasks:

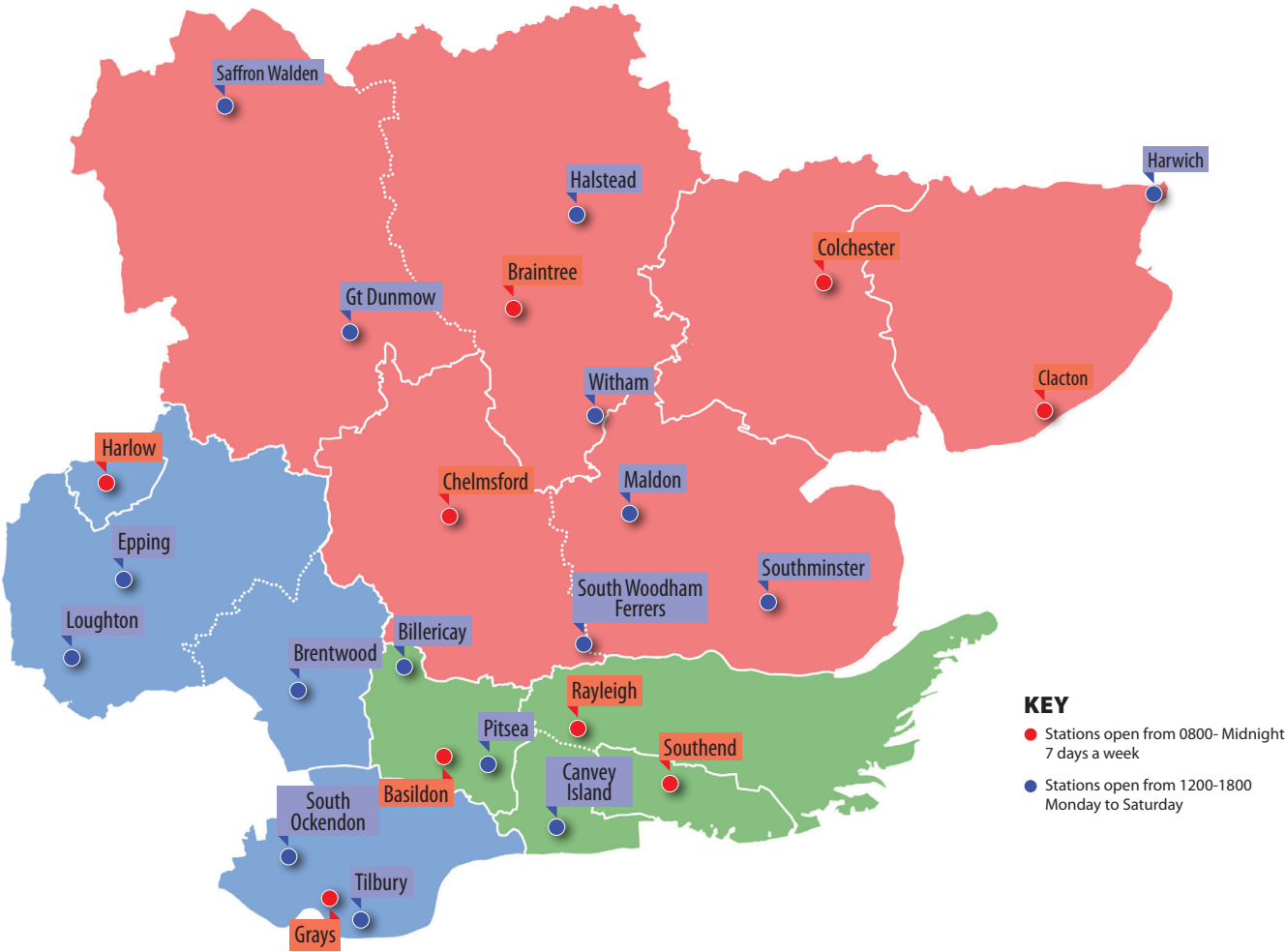
- Problem solving around emerging crime series and hotspots, including high risk or repeat Anti-Social Behaviour
- Working with partners to address local issues
- Supporting the most vulnerable victims
- Managing the night time economy
- Engaging with local communities

Each Community Policing Team will be led by an Inspector and Sergeant, working with Police Constables and PCSOs. Over time, the team will be co-located with local authority partners. Community Policing Teams will also include Youth Officers, Licensing Officers and Crime Prevention Officers.

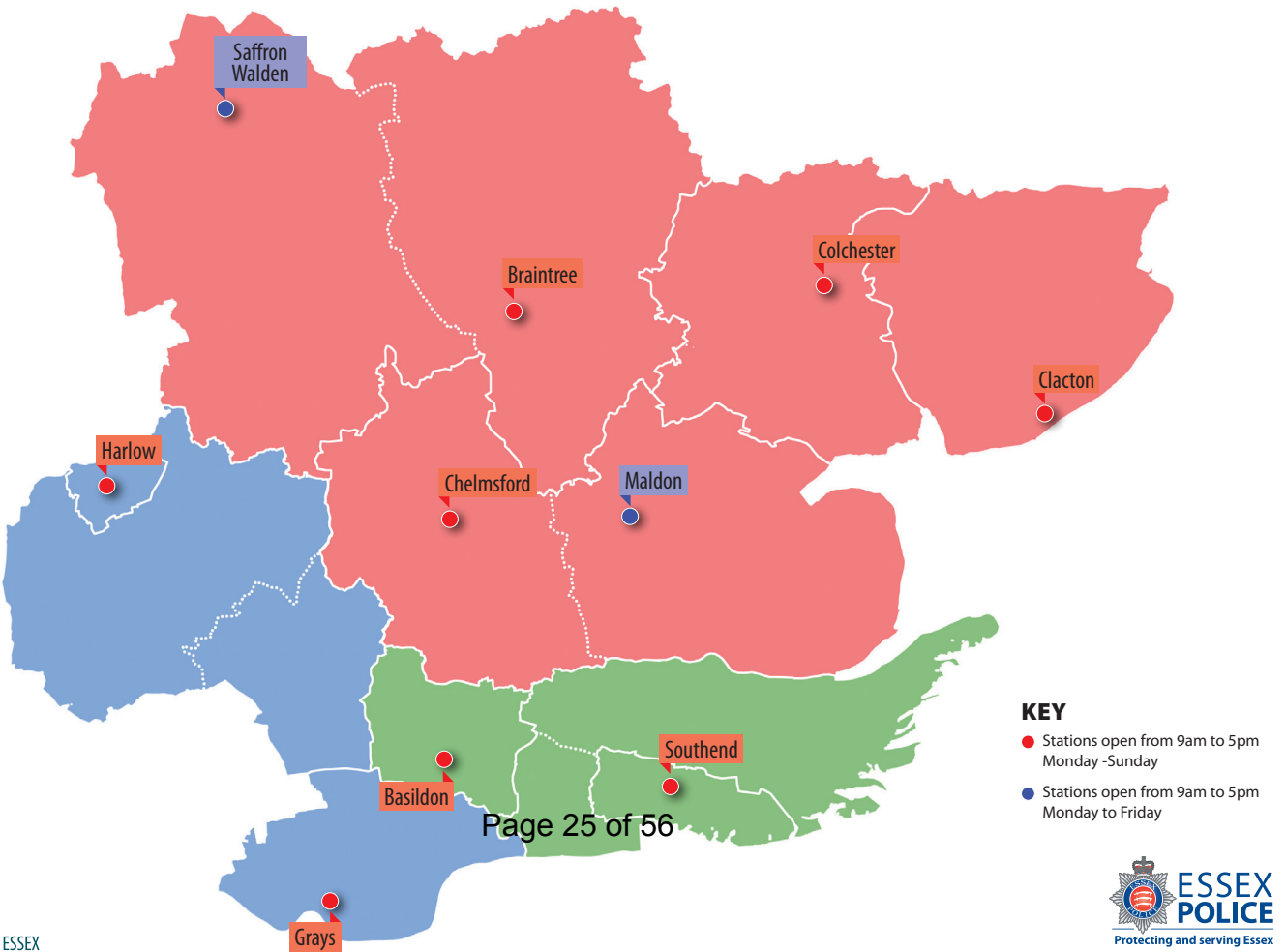
These changes are driven by both the changing nature of crime and financial challenges. Effective partnership work with local authorities, the other blue light services and the voluntary sector will become increasingly important.

The Chief Constable and Police and Crime Commissioner are determined that Essex Police will continue to keep our county safe both now and for the future.

Current police station front counter opening hours (August 2015)



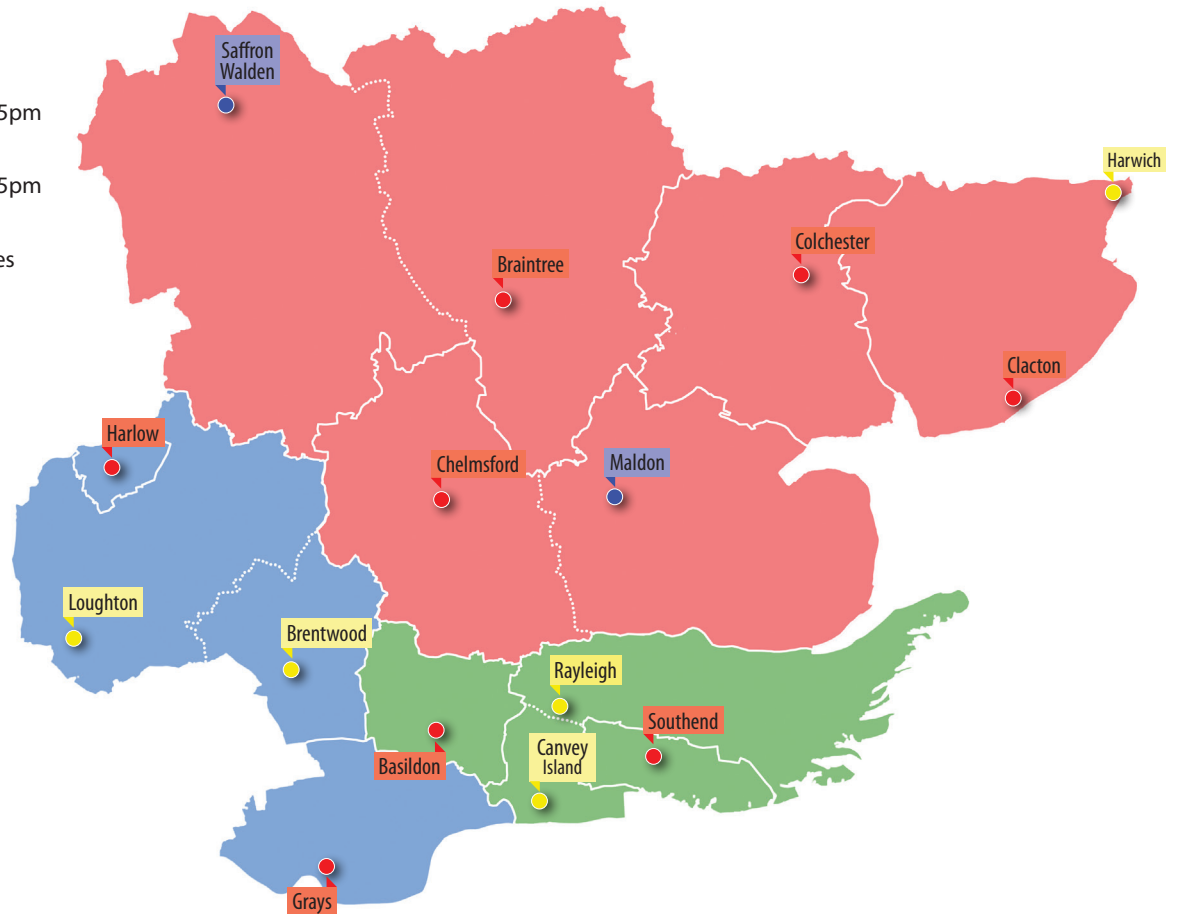
Proposed police station front counter opening hours from April 2016



Proposed police station front counter opening hours from April 2016, plus proposed remaining operational bases

KEY

- Stations open from 9am to 5pm Monday -Sunday
- Stations open from 9am to 5pm Monday to Friday
- Remaining operational bases (no front counters)



RESPONDING TO **TODAY'S DEMANDS** PLANNING FOR **TOMORROW'S CHALLENGES**



ESSEX POLICE NEEDS A MODERN, EFFICIENT HEADQUARTERS FIT FOR THE FUTURE

The current site and the buildings of police headquarters in Springfield, Chelmsford are vast, ageing, in a poor state of repair and in chronic need of modernisation.

The site is made up of numerous buildings, some of which are nearly 100-years-old, sprawling across 20 acres. The first part of the site – the former Chief Constable's house – was developed in 1903 and since then various additions have been built to house the 1,800 staff currently based there. Unfortunately many of these additions are in a poor state of repair and badly designed. Some parts are even derelict.

Due to this piecemeal construction the land is badly used and the buildings are inefficient and not suited to current needs. The various phases of development mean each part has different maintenance requirements, making the site extremely expensive to run. The expanse of HQ means perimeter security is poor. In short the current HQ site is no longer fit for the purpose of a modern police force and it is not financially sustainable.

The Springfield site is currently much more valuable than the land Essex Police and the Police and Crime Commissioner is seeking to purchase for a new HQ. Unlocking the value of the Springfield site creates the opportunity to build a modern fit for purpose and efficient police HQ. It will deliver a very necessary annual saving of £2.5million.

Nick Alston, Police and Crime Commissioner for Essex, said: "We need a headquarters building that is modern, efficient and fit for the purposes of policing. The current Springfield site is miles away from that.

"The site is inefficiently used, hugely expensive to maintain and hinders effective operational policing.

"We have an opportunity to unlock the high value of the site at Springfield and invest in a new headquarters which designed specifically for the requirements of a modern police force, and which will also be fit for the future."

Chief Constable Stephen Kavanagh added: "It makes no sense for us to remain in buildings which waste money and no longer serve the needs of people in Essex. Selling the current HQ site unlocks money that should be better spent on policing.

I know that our current site holds lots of memories for ex-colleagues and I assure them that we will take the appropriate steps to recognise the sacrifices made by 175 years of Essex Police officers at our new headquarters."

The sale of the current HQ and purchase of the proposed site are at an advanced stage. Further details cannot be disclosed as they are commercially sensitive.

Essex Police and the Office of the Police and Crime Commissioner for Essex are working with Chelmsford City Council and it is proposed the Springfield site will be sold with outline planning permission for residential development.



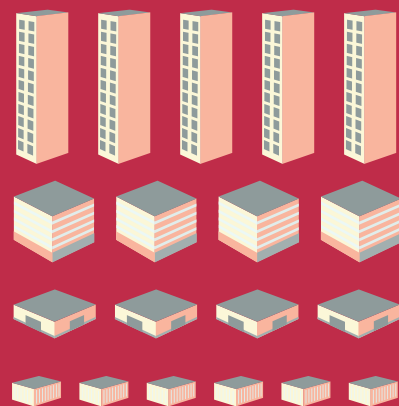
Stephen Kavanagh
Chief Constable
Essex Police

Nick Alston
Police and Crime
Commissioner for Essex

WHERE WE ARE NOW



Essex Police has made **£41.8 million of savings between 2010 and 2014**. The force is now facing **further cuts of £63 million** to be made by 2019/20.



There are **80 police buildings** in Essex, many of these **ageing** and **no longer fit for purpose**.

1 in 10
report a crime or incident

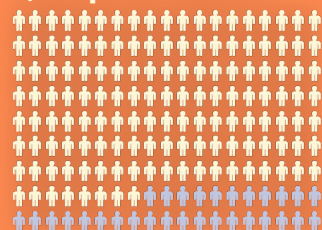


Only around 1 in 10 visits to police stations are to report a crime or other incident.

Reforming the estate
- *reducing its size but increasing its efficiency* -
will save **£2million a year**, which would be **invested** back into

your police service

2,999 police officers



600 less than 2010

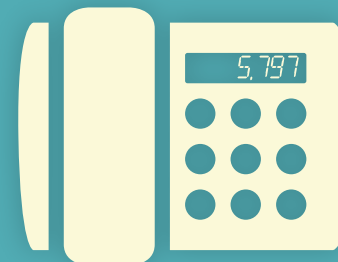
In 2015, there are currently **2,999 police officers** in Essex – that's **600 fewer officers in force than there were in 2010**.

£30M
maintenance
backlog



£2M
per year
current costs

Essex Police's 80 buildings require **£30 million maintenance work** to bring up to standard and expenditure of **£2 million a year** to maintain the current condition.



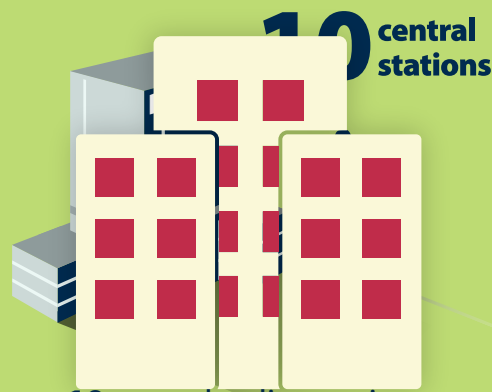
Every day **5,797** people contact Essex Police via the non-emergency 101 number. A further **593** people call Essex Police via 999 to report an emergency.

DOING NOTHING IS NOT AN OPTION

WHERE WE NEED TO BE



New **policing teams** in each district that are **locally based**, **locally accountable** and **prioritise issues** causing the greatest harm to the **local community**.



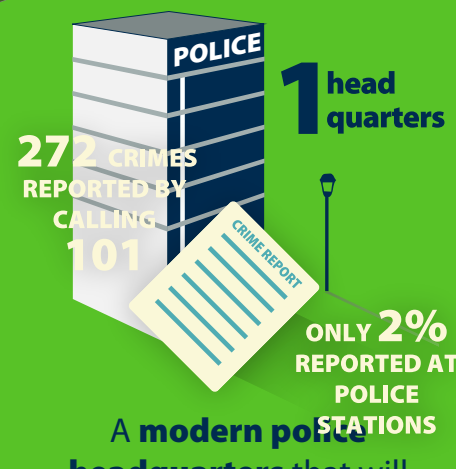
10 central police stations that will **continue** to provide front counter services **to the public**. Plans are also underway for the future sharing of space with other public sector partners.



In addition to **10** front counters, Essex Police is **working to improve online services** including **online crime tracking, email, apps** and **interactive public contact points**.



80 police buildings and stations, **reduced down to 30** fit for purpose buildings.



A **modern police headquarters** that will house **2,000** staff which is **efficient and purpose-built**.

Essex Police will put **your officers** where the most harm is being caused in our communities. That is **on the frontline dealing with domestic abuse, violent crime, sexual offences and child abuse**.

Essex Police is not leaving you.

However, *we need to change* so that we can **continue** to provide **you** with a

modern, viable & effective police service

Essex Police and Crime Panel	EPCP/016/15
Date: 29 October 2015	

Review of Procedure for Complaints about the Police and Crime Commissioner

Report by the Director for Corporate Law and Assurance, Essex County Council
 Enquiries to: Colin Ismay: 033301 34571 colin.ismay@essex.gov.uk

Purpose of report

This report asks the Panel to approve a revised process for dealing with complaints made about the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

Background

The Panel's statutory functions include dealing with complaints about the PCC and his Deputy. The process is controlled by regulations. Complaints about either the PCC or the Deputy PCC are all handled in the same way.

In October 2014 the Panel adopted a process to deal with complaints. Since that time we have a year's experience in operating the process. We also now have the benefit of guidance to police and crime panels published by the Local Government Association in April 2015. The LGA review considers experiences of Panels and reports that many Panels have found it helpful to revise their processes in the light of experience.

The Statutory Framework

The Panel has delegated power to deal with complaints to a sub-committee.

All complaints about the Commissioner or the Deputy Commissioner are dealt with by the sub-committee unless the complaint involves an allegation that an offence has been committed by the Commissioner or the Deputy Commissioner, in which case the complaint must be referred to the Independent Police Complaints Commission ("the IPCC"). The IPCC must then decide either to arrange for an investigation to take place or to refer it back to the Panel to deal with.

When the Panel is responsible for a complaint it must 'make arrangements for the complaint to be subjected to informal resolution'. The sub-committee cannot investigate the complaint, it can only subject the complaint to informal resolution.

The Panel may – but need not - disapply the statutory process in certain circumstances. If the complaints process is disapplied then the Panel may take whatever action it wishes (including taking no action at all). The statutory complaints process may be disapplied if the complaint:

- relates to a management issue
- is made more than 12 months after the complainant became aware of the facts (without good reason)
- is anonymous
- is vexatious, oppressive or an abuse of process
- is repetitious or duplicates another complaint.

.Development of the Revised Process

The Director for Corporate Law and Assurance and the OPCC both consider that it would be helpful to have a clearer process which gives more detail as to how informal resolution will be dealt with and how the focus should be on informal resolution. This aligns with experience elsewhere (as reported in the Local Government Association guidance). Many panels have revised their processes for considering these decisions in the light of experience.

It seems clear that the best way to resolve a complaint is by agreement if this is possible. In some cases the best way of achieving agreement may not be via consideration by a sub-committee.

The revised Process which the Panel is requested to adopt is set out at **appendix 1** and has the following key changes:

- the revised process more closely mirrors the regulations
- the revised process is more focussed on informal resolution and how this is achieved
- in particular it envisages the appointment of a reviewing officer to report to the Panel on a draft complaint
- the revised process envisages that rather than the Director for Corporate Law and Assurance acting – as she currently does - as a gatekeeper to the Panel, she should be able to act in a way which is more focussed on informal resolution. For example it is proposed that she may recommend that the parties follow a different process such as mediation. This may not be suitable in some cases – as mediation can only work if all parties agree to participate, but it will provide alternative ways of seeking to resolve a

complaint. Ultimately it is envisaged that the most serious and entrenched cases will continue to be referred to the Complaints Sub-Committee.

- It envisages that in less serious cases the Monitoring Officer may want to express a view about the complaint, which might include making a recommendation to the parties. This would only happen in the least serious cases. The purpose of including this power is that the Panel is required to follow a process of informal resolution. It seems difficult to see how this can be complied with if the complaint is considered by someone who is not authorised to express a view on the complaint. The parties are free to reject any such view.
- The process envisages that the Complaints Sub-Committee may wish to consider publication of the outcome of a complaint in some cases, after consulting the parties. This decision would not be delegated to the Monitoring Officer.
- The recommended process would permit the Director to refer all criminal allegations to the IPCC, as required by law.

The Office of the Police and Crime Commissioner has been consulted on a draft of the revised process. The key points made and the Monitoring Officer's response to those (along with an indication of where the draft process has been changed in response) is set out at **appendix 2**.

It is also proposed to formalise the terms of reference of the Complaints Sub-Committee which have not previously been codified.

Recommendations:

- (1) Adopt the Revised Complaints Process in the form at Appendix 1.
- (2) Adopt the terms of reference for the Complaints Sub-Committee as set out at Appendix 3.
- (3) Agree to delegate decision-making to officers to make decisions as set out in the Complaints Process at Appendix 1.

Police and Crime Panel for Essex

**Procedure to be Followed when Considering Complaints About the
Police and Crime Commissioner or Deputy Police and Crime Commissioner**

1. Introduction

- 1.1 The Police and Crime Panel for Essex ('the Panel') has responsibility for considering complaints made about the conduct of the Police and Crime Commissioner for Essex ('the PCC') or the Deputy Police and Crime Commissioner ('the Deputy PCC'). Complaints are governed by a statutory complaints procedure.
- 1.2 The Panel has authorised the Monitoring Officer of Essex County Council (or another officer of ECC authorised by her) to make some decisions about complaints under the complaints procedure. Unless the context otherwise requires, any reference to the Monitoring Officer in this policy includes a reference to an officer of ECC authorised by the Monitoring Officer.
- 1.3 The Panel has also created a Complaints Sub-Committee which is authorised to take any action under the Complaints Procedure.
- 1.4 Any decision or action which may be taken by the Monitoring Officer may also be taken by the Panel or by a Complaints Sub-Committee in an appropriate case.
- 1.5 A complaint is about the 'conduct' of the PCC if it includes an allegation that the PCC has personally done something which the PCC ought not to have done, or that the PCC has failed to do something which the PCC ought to have done. Some illustrative examples are given in appendix 1.

2. Stage 1: Recording the Complaint

- 2.1 When a complaint is received the Monitoring Officer will consider the following questions:
 - (a) Does the complaint relate to the conduct of an office holder (either a PCC or a Deputy PCC)?
 - (b) Is the Police and Crime Panel for Essex the correct panel for the complaint (ie does the complaint relate to the Essex PCC or Deputy PCC)? If the Panel is not the correct Panel then the Monitoring Officer will refer the complaint to the correct panel.
 - (c) Is the complaint still current (i.e. it has not been withdrawn)?
 - (d) Does the complaint relate to a new matter (ie a matter which has not been or is not already the subject of criminal proceedings against the office holder)?

2.2 If the answer to all four questions is 'yes' then the Monitoring Officer will record the complaint.

3. Stage 2: Determining whether the complaint should be referred to the IPCC

3.1 The Monitoring Officer will consider whether the complaint includes any allegation that either the PCC or the Deputy PCC has committed any criminal offence. If it does include such an allegation then the matter must be referred to the Independent Police Complaints Commission (IPCC) and the Monitoring Officer will make the referral.

3.2 The IPCC may investigate - in which case the Panel has no further involvement - or it may decline to investigate and refer the complaint back to the Panel.

4. Stage 3: Determining the Statutory route to be followed

4.1 If the complaint is not required to be referred to the IPCC - or if the IPCC refers the complaint back to the PCP - then the next step is for the Monitoring Officer to consider whether or not to disapply the statutory process.

4.2 If the statutory process is disappplied then the Panel can respond to the complaint in whatever way it feels fit (which includes not responding to it).

4.3 The Monitoring Officer is never required to disapply the statutory process, but may do so if one or more of the following criteria apply:

- (a) The complaint is concerned entirely with the conduct of a relevant office holder in relation to a person who was working in his capacity as a member of the office holder's staff at the time when the conduct is supposed to have taken place.

This ground applies even if the complaint is that the PCC's response to the complaint is inadequate. However, the process will not automatically be disappplied if this applies.

- (b) More than 12 months have elapsed between the incident, or the latest incident giving rise to the complaint and the making of the complaint **and** either—

- (i) no good reason for the delay has been shown, or

- (ii) injustice would be likely to be caused by the delay;

- (c) The matter is already the subject of a complaint. Note that the complaint does not have to be from the same complainant.

- (d) The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.

- (e) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;

- (f) The complaint is repetitious. A complaint can only be regarded as repetitious if all of (a)-(d) below apply:
- (a) it is substantially the same as a previous complaint (whether made by or on behalf of the same or a different complainant), or it concerns substantially the same conduct as a previous conduct matter;
 - (b) it contains no fresh allegations which significantly affect the account of the conduct complained of;
 - (c) no fresh evidence, being evidence which was not reasonably available at the time the previous complaint was made, is tendered in support of it; and
 - (d) as regards the previous complaint, either-
 - (i) the IPCC dealt with the complaint;
 - (ii) the Panel resolved the complaint in accordance with this process;
 - (iii) the complainant withdrew the complaint; or
 - (iv) the statutory complaint process was disappplied.

- 4.4 If the Monitoring Officer is minded to disapply the statutory process, the Monitoring Officer should, before doing so, write to the complainant to explain
- (a) why she is minded to disapply the process;
 - (b) how it is proposed to deal with the complaint if the procedure is disappplied; and
 - (c) that before making a decision the Monitoring Officer will consider any representations made by the complainant within 14 days from the date of the letter.
- 4.5 If, having considered any representations received in response to her letter, the Monitoring Officer then disappplies the process then she must write to the complainant and explain why the procedure has been disappplied and how the complaint is to be dealt with (which may include taking no further action). Any such action is beyond the scope of this policy.
- 4.6 There is no right of appeal against any decision to disapply the complaints process.

5. **Stage 4: Informal Resolution**

- 5.1 At this stage the Panel is required to arrange for the complaint to be subjected to informal resolution. The Monitoring Officer will write to the Complainant and the PCC (and the Deputy PCC if the complaint is about the Deputy PCC) with her proposals for informal resolution.
- 5.2 There is no prescribed process for informal resolution. It may be that one or more of the following could be appropriate:

- (a) The PCC (or Deputy PCC) is invited to consider the complaint and respond to it (for example by apologising or providing the complainant with a detailed explanation of the issues). This is likely to be suitable where the parties have a constructive relationship or where the complaint is minor. This process is unlikely to be suitable where positions have become entrenched or where the PCC (or Deputy PCC) does not believe that such a process is likely to resolve the complaint.

If this route is followed then the PCC (or Deputy PCC) will be given a fixed period of time (usually a month) to resolve the complaint. At the end of the fixed period the Monitoring Officer will contact both parties and ask if the matter has been resolved. If both parties agree that the complaint has been resolved then the complaint will be closed and the matter recorded as resolved.

- (b) The Monitoring Officer (either herself or via another person appointed by her) attempts to facilitate a mediation. This is also likely to be appropriate for less serious complaints. It is not suitable unless both parties agree. Any information disclosed by either party to the mediator may be used in any subsequent resolution. At the end of the mediation the Monitoring Officer will contact both parties and ask if the matter has been resolved. If both parties agree that the complaint has been resolved then the complaint will be closed and the matter recorded as resolved.
- (c) The Monitoring Officer may express a view about the complaint and make recommendations about action which she considers should be taken by the PCC (or Deputy PCC). This is suitable for less serious complaints where the Monitoring Officer believes that it may be helpful for an independent person to express a view without necessarily needing to convene a meeting of the Complaints Sub-Committee. It may also be suitable for less serious complaints where either of the previous processes have failed to resolve the complaint.
- (d) The Monitoring Officer may decide that a complaint should be referred to the Complaints Sub-Committee. The Complaints Sub-Committee will receive a report of the Monitoring Officer and will hold a meeting. This is suitable for the most serious complaints, regardless of whether or not any other process has been followed. The basic process for this is set out at appendix 2 (although this may be varied in any particular case by the Monitoring Officer or by a Complaints Sub-Committee).

5.3 The resolution of the complaint must be informal. The approaches to informal resolution set out above in paragraph 5.2 are illustrative only and it may be that a different procedure may be more appropriate in a particular case. The Monitoring Officer will write to the Complainant and the PCC (or Deputy PCC) and explain a preliminary view as to how the complaint ought to be subjected to informal resolution. Each party will be given a period of time to respond.

5.4 The Monitoring Officer will decide on the most appropriate approach to resolving the complaint.

- 5.5 If a process is followed but does not resolve the complaint to the satisfaction of all parties then the Monitoring Officer may adopt a different approach in order to try and resolve the complaint.

6. Recording and Publishing the Outcome

- 6.1 When a complaint has been subject to informal resolution (whether or not to the satisfaction of both parties) then the Monitoring Officer must make a record of the outcome of the resolution and send a copy to both parties.
- 6.2 The Panel or a Complaints Sub-Committee may, after consulting the complainant and the subject of the complaint, publish part or all of the record referred to in 6.1 (subject to any alterations or redactions which they consider appropriate). Publication will be considered if:
- (a) Either party asks for the record to be published
 - (b) The Sub-Committee considers that the response of the PCC (or Deputy PCC) to any recommendations made has not, in their opinion, been adequate and that it is in the public interest for the record to be published.
- 6.3 Publication may take the form of publishing the record or a written summary and may include a press release.

Appendix 1

Examples of complaints and whether or not they can be considered under the complaints procedure.

Example 1: Amy complains that a member of the PCC's staff has been rude to her. She has not previously complained about this to the PCC.

This complaint in its current form cannot be considered because it does not relate to the conduct of the PCC or Deputy. The PCC does not know that she is unhappy with his staff and so has not had the opportunity to take any action.

Example 2: Basil complains that the PCC failed to respond when he made an allegation to the PCC that an employee of the PCC published false information against him.

This complaint can be considered because the PCC's response to the allegation is a complaint about the conduct of the PCC.

Example 3: Clara complained to the PCC about the Chief Constable. She makes a complaint to the Panel stating that the PCC ignored the complaint about the Chief Constable.

This complaint can be considered because the PCC has a personal duty to follow the complaints process and this is a complaint about the conduct of the PCC.

Example 4: Desmond made a complaint about the Chief Constable to the PCC. The PCC decided to disapply the statutory process in this complaint. Desmond complains that this decision was inappropriate.

This complaint can be considered because the PCC has a personal duty to follow the complaints process. However, Desmond probably had a right of appeal to the IPCC against the PCC's decision. Under the regulations this is a complaint that the PCP may consider. However, the Monitoring Officer may wish to disapply the complaints process if she considers that the complaint is an abuse of the process – although this is a matter for her discretion.

Example 5: Ernest reports that he was victim of identity fraud. He is unhappy with the way that the police investigated his allegation. He does some investigation and finds out that the police are hardly investigating this type of offence. He raises it with the PCC who says that this is not a priority for him to raise with the police given the savings they have to make. Ernest complains that the PCC should have raised this with the police.

This is a complaint that the PCC has not done something which the complainant thinks he should have done. It therefore relates to the conduct of the PCC and can be considered under the complaints procedure.

Process for the Sub-Committee to Review Complaints

- 1.2 The Monitoring Officer may appoint a Reviewing Officer whose role will be:
- to gather information about the complaint; and
 - to write a report on the Complaint and make recommendations about whether there is any merit in the complaint and, if so, what action the PCC should take.
- 2. Process to be followed by the Reviewing Officer**
- 2.1 The Reviewing Officer may not investigate the Complaint, although they may ask for information. The Reviewing Officer may follow any process which is fair to the complainant and the PCC (or Deputy PCC), but the process will normally include:
- (a) Send a copy of the complaint to the person complained about and allow them a reasonable opportunity to provide a response and any supporting documents.
 - (b) Send a copy of the response to the complainant to give the complainant a reasonable opportunity to provide any information or documents in response to the evidence.
- 2.2 Further steps may be necessary depending on how the review progresses.
- 2.3 The Reviewing Officer may ask for any further information they consider helpful in order to provide the Sub-Committee with full details about the matters complained of.
- 2.4 Any material sent to the Reviewing Officer will normally be shared with all other parties and the Sub-Committee.
- 2.5 If there are exceptional reasons why a party believes that information should not be shared or that redacted material should be supplied then, before sending the material they should make a written application to the Reviewing Officer explaining:
- the nature of the material that they do not want to be shared and the relevance of that material to the issue being reviewed
 - why they consider that the material ought not to be shared
 - the reasons why they consider that the review can be undertaken in a fair way if the material is not shared with the other party.
- 2.6 The Reviewing Officer or the Monitoring Officer may ask for the material to be supplied for the sole purpose of considering this application. A final decision will be taken by the Reviewing Officer or the Monitoring Officer.
- (a) If the Reviewing Officer or Monitoring Officer decides that material is not to be shared then that material will not be sent to the other party for

comment or as part of the report, although it will be included in the report to the Panel.

- (b) If the Reviewing Officer or Monitoring Officer decides that material can be supplied on a redacted basis then the redacted material may be supplied and will be sent to the Complainant, unless agreed otherwise by the Reviewing Officer or the Monitoring officer.
- (b) If the Reviewing Officer or Monitoring Officer decides that the material can be withheld (or supplied on an unredacted basis) then the Party may either:
 - (i) agree that the material can be shared (or supplied on an unredacted basis); or
 - (ii) require that the material be returned and not considered as part of the review.

2.7 Other than as agreed in paragraph 2.5 and 2.6 above, material submitted to the Reviewing Officer should not be redacted or altered in any way.

2.8 Once the Reviewing Officer is satisfied that all parties have had a fair opportunity to comment on the material submitted by the other party they will produce a report. The report will normally include all material submitted by parties to the complaint.

2.9 The Reviewing Officer may allow the parties to comment on a draft report. The version of the draft report sent to the parties will not include material where it has been agreed that it will not be shared.

3. Before the Meeting

3.1 The Monitoring Officer will send the parties the final report. The version of the draft report sent to the parties will not include material where it has been agreed that it will not be shared. The parties may comment on the final report and any comments received by the Reviewing Officer or the Monitoring Officer will be circulated by him or her to the Sub-Committee and to the other party.

3.2 The Monitoring Officer, in consultation with the Chairman of the Sub-Committee, will decide whether or not the parties should be invited to attend the meeting. As a general rule the parties will not be invited to attend.

3.3 The Reviewing Officer's report will be considered by a Committee of the Panel, comprising the Chairman and Vice-Chairman of the Panel and one other member. The Monitoring Officer may wish to submit a separate covering report clarifying or highlighting certain aspects of the Reviewing Officer's report.

4. Procedure at the meeting

4.1 The Chairman will welcome those attending the meeting and introduce everyone. The Chairman will remind everyone that the purpose of the meeting is for the complaint to be informally resolved.

- 4.2 The Committee will consider excluding the press and public.
- 4.3 The Monitoring Officer will present the findings and recommendations of the Reviewing Officer's report and may ask the Reviewing Officer to present all or highlight certain aspects of his or her report.
- 4.4 Members of the Sub-Committee may ask questions of the Monitoring Officer or the Reviewing Officer.
- 4.5 If present, the complainant (or their representative) will be invited to address the Sub-Committee for up to 10 minutes. No new matters may be raised and no new material may be introduced without the permission of the Chairman.
- 4.6 The Sub-Committee may ask questions of the Complainant (if present) to clarify any part of the complaint.
- 4.7 The PCC or Deputy PCC (or their representative) will, if present, be invited to address the Sub-Committee for up to 10 minutes. No new material may be introduced without the permission of the Chairman.
- 4.8 The Sub-Committee may ask questions to clarify any information provided by the PCC (if present).
- 4.9 No witnesses may be called by any person without the prior permission of the Chairman. If permission is given then the other party and the Sub-Committee will each be given the opportunity to ask questions of the witness. Any witness will be heard as part of the address and an extension of time will be given.
- 4.10 The Monitoring Officer will summarise the issues.
- 4.11 If the parties are present they will be asked to leave while the members deliberate.
- 4.12 The Committee may adjourn a meeting at any time for as long as they think appropriate.
- 4.13 The Sub-Committee will make a decision on the complaint and on how they think that the Complaint should be resolved. This may or may not include expressing a view as to whether there has been misconduct by the PCC (or Deputy PCC) and making a recommendation as to whether or not the PCC should take any action to provide redress. If the Sub-Committee expresses the view that there has been misconduct then it will give reasons for this.
- 4.14 The Sub-Committee may:
 - (a) Make recommendations about future action to be taken by the PCC, which might include an apology or any other step.
 - (b) Ask the Monitoring Officer to provide an explanation to the complainant if it considers that this may assist to clear up or settle the matter directly with the complainant.
- 4.16 There is no right of appeal or review of the Sub-Committee's decision.

5. After the Meeting

- 5.1 The Monitoring Officer will inform the parties of the outcome of the meeting.
- 5.2 Where the Sub-Committee has made recommendations to the PCC the Monitoring Officer will ask the PCC to consider the recommendations and to respond (usually within fourteen days) to say whether or not the PCC accepts the recommendations and
 - (a) what action the PCC has taken (or proposes to take); and
 - (b) if the PCC does not propose to accept any recommendation then to provide detailed reasons as to why this is the case.
- 5.3 The Monitoring Officer may seek clarification of the PCC's response and may make suggestions as to further actions which may assist with informal resolution of the complaint.
- 5.4 The Monitoring Officer will inform the Sub-Committee of the response to the recommendations received from the PCC.
- 5.5 Having considered the PCC's response, the Sub-Committee may make further recommendations to the PCC on how it feels the complaint may be resolved informally or ask the PCC to consider his response.

Record of Outcome

The Monitoring Officer will prepare a record of the outcome of the procedure and will ask the parties whether they would want the record to be published.

The Monitoring Officer will submit the record of the outcome to the members of the Sub-Committee for approval.

The Sub-Committee will consider whether to publish the record of the outcome of the procedure, taking account of the views of the parties if any views were received.

If so determined by the Sub-Committee, the Monitoring Officer will arrange for the record of the outcome so approved by the Sub-Committee to be published on the Council's website and anywhere else which the Sub-Committee directs.

Appendix 2

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
General	OPCC would be concerned if the intent was essentially that the monitoring officer would be taking all the decisions under the complaints process.	<p>The revised process is designed to reflect the fact that the Police and Crime Panel's only power with respect to complaints is to seek informal resolution. The revised process places emphasis on following a process of local resolution.</p> <p>If a complaint can be resolved by agreement then no decisions will be taken by the monitoring officer.</p> <p>The monitoring officer has already been authorised to make decisions on whether or not to refer complaints to the sub-committee. A decision not to refer a complaint to the sub-committee has the effect of closing a complaint.</p> <p>It is proposed that the monitoring officer may make decisions of this nature on cases she considers not to be of sufficient seriousness to refer to the Police and Crime Panel.</p> <p>It envisages all substantive decisions on cases of any significance will continue to be taken by the Panel or the Complaints Sub-Committee.</p>	None.
Paragraph 1.5	Paragraph 1.5 explains what is meant by conduct. They ask for the statutory definition to be set out and for the deletion of the word 'personally'.	Our view is that although the word 'personally' is not used in the legislation it is important to include it because the Panel cannot consider complaints about	None

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
		the Commissioner's staff.	
Paragraph 4	In the section relating to disapplication of complaints, policy should refer to legislation as disapplication of complaints is most likely where the Panel decide that no action should be taken. Suggest a wording change to say "the Monitoring Officer/PCP may disapply the complaint if one or more of the following apply". Suggest that there is confusion in the policy between disapplication of a <i>complaint</i> and disapplication of <i>complaints process</i> .	<p>The purpose of disapplication is to relieve the Panel of the burden of further compliance with the regulations.</p> <p>The proposed amendment is legally inaccurate because it is not possible to disapply a complaint, only to disapply the complaints process from a complaint.</p> <p>However, it is accepted that it would be more accurate if the process referred to disapplication of the 'statutory' process'</p>	Change 'disapply the process' to 'disapply the statutory process'.
Appendix 1	Disagreement with examples as OPCC contend that some of these decisions are matters for the Chief Executive of OPCC not the PCC.	These examples have been reviewed and are considered to be appropriate. The examples given are accurate for the purposes.	None.
Appendix 2 (para 2.2)	Concern that the process does not set out a prescriptive enough process for the Reviewing Officer to follow when undertaking a review.	The process is set out as comprehensively as possible. However, all complaints are different and, unfortunately, it is not possible to have a 'one size fits all' approach. The proposed approach simply reflects this.	None.
Appendix 2 (para 2.1)	Process has 'conflicts' in how the Commissioner and complainant are treated because it says that the subject will have 'an opportunity' to respond whereas the complainant will have a 'reasonable	Agreed it would be better if the Process made it clear that both the complainant and the subject of the complaint had a <i>reasonable</i> opportunity to respond.	Change 'opportunity' to 'reasonable opportunity'

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
	opportunity’.		
Appendix 2 (paragraph 2)	Would be helpful to prescribe a timescale for responses.	All complaints are different and, unfortunately, it is not possible to have a “one size fits all” approach. In practice extensions are usually given to both sides if requested.	None.
Appendix 2 (paragraph 2.3?)	Suggests re-wording of paragraph 23 to say ‘The Reviewing Officer may ask for any further information he/she considers helpful in order to provide the sub-committee with full details about the matters complained of. The Reviewing Officer should not make assumptions in the report. If information is missing and the Reviewing Officer considers it significant, then the Reviewing Officer should either ask for the missing information or advise the Sub-Committee to do so.’	<p>There is no paragraph 23 in the document and this is assumed to be a reference to paragraph 2.3 in the appendix</p> <p>The reviewing officer is barred by statute from investigating and has to assume that parties are ensuring that issues which have been raised by the complainant have been addressed by the Commissioner – and vice versa.</p> <p>The reviewing officer’s role is to draw together the facts presented by the parties together in a report. It is not appropriate for the reviewing officer to take an inquisitorial approach.</p> <p>If a party considers that a reviewing officer has misunderstood the position or that the Panel ought to have further information then they will always have the opportunity to say so in writing before the Panel meets.</p>	None
Appendix 2	The text in para 2.1 of the appendix should be	We consider that ‘may not’ is preferable in this	None.

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
(paragraph 2.1)	changed from 'the Reviewing Officer may not investigate the Complaint' to 'the Reviewing Officer will not investigate the complaint'	context, although 'will not' would also suffice.	
Appendix 2 (paragraph 2.9)	Express concern that the phrase 'the reviewing officer may allow the parties to comment on a report' is unsatisfactory as it is not clear whether comments would be allowed or what the process is in respect of commenting.	The process makes it clear that the Parties always have the right to comment on the final report, but that the decision on whether or not to allow an additional opportunity for comments on a <i>draft</i> report is at the discretion of the reviewing officer. Our view is that it is not always necessary to give parties the opportunity to comment on a draft report. This will no doubt depend on the complexity of the case and the surrounding facts.	None
Appendix 2	Concern that 'some of the proposals lack natural justice'. The only example given is the right of appeal to the Monitoring Officer against a decision not to refer to Panel taken by someone else. OPCC is concerned that MO ought not take this decision on appeal as they will have been involved in original decision.	Agreed. Although this process mirrors the current procedure, where there is a right of appeal and which has withstood scrutiny by the Local Government Ombudsman on reflection we have deleted this right of appeal. The process has been amended so that in future there will be no right of appeal for people who are dissatisfied.	Delete references to right of appeal.
App 2 (para 4.13)	Panel should give reasons for any finding of Misconduct	Agreed. The Complaints Sub-Committee's current practice is to give reasons for any findings of misconduct and it is sensible to make this a requirement.	Amend to clarify that Panel will give reasons for findings

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
Appendix 2 (paragraphs 2.5-2.7)	<p>Concern about how the process deals with sharing of information between the parties. The OPCC is concerned that on occasion it may wish to share information with the Panel that it does not wish to be shared with the complainant.</p> <p>Suggest that, when applying for permission to share information on a confidential basis, it is not appropriate for them to have to explain how they think the matter can be considered fairly on a confidential basis.</p>	<p>Since we are not allowed to investigate complaints, the process followed has to be open and transparent.</p> <p>That should normally mean that parties have the opportunity to see material submitted by their opponent.</p> <p>The draft process envisages that there may be exceptional circumstances when it is appropriate for information to be sent to the Panel but not sent to the Complainant. If a party wants special permission to depart from this then the Panel will have to consider how this can be done fairly and it is helpful to have the applicant's views on this.</p>	None.
Appendix 2 (paragraph 2.7)	<p>OPCC wish to have the right to redact material they show to the Panel. This is because it will be sent to people who are not vetted.</p> <p>Members of the Panel and ECC staff are not subject to security clearance.</p>	Agree that there should be a process by which the OPCC can apply for permission to submit redacted material.	Amend to introduce a process by which material can be supplied on a redacted basis.
General	<p>Concern about a perceived expansion of powers of monitoring officer.</p> <p>In particular they are concerned about</p> <p>(a) Power for Monitoring Officer to express a view on a complaint. Express concern that</p>	<p>There is no intention to expand powers of the monitoring officer. As set out in the main body of this report, the approach is to reflect operating experience and maximise the opportunities for local resolution.</p> <p>(a) The monitoring officer already expresses</p>	<p>Amend last sentence of 5.2(c) to read:</p> <p>Where this happens there is</p>

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
	<p>the document says that 'the decision of the Monitoring Officer is final' when the Commissioner may not want to accept the Monitoring Officer's recommendations. Suggest that this should be referred to the Sub-Committee if the recommendations of the Monitoring Officer are not accepted.</p> <p>(b) Power for MO to decide that an informal resolution process should be followed in a particular case.</p>	<p>views on complaints when deciding not to refer them to the sub-committee without this having caused any difficulty. Agree that the statement that the 'view of the Monitoring Officer is final' could be confusing and suggest amendments to make clear that there is no right of review or appeal is in relation to the complaints process only. It is clear that the PCC can disregard the MO's view. It is proposed to change this wording to 'This is only suitable for use in cases which are not serious.' The OPCC's suggestion of a right to refer to the sub-committee is likely to lead to an increase in the number of committee meetings.</p> <p>(b) This is simply a power to take steps to resolve a complaint informally. The Monitoring Officer would only suggest a process which she considered stood a chance of resolving the complaint and is acutely aware that any such process can only be effective if she gets the full co-operation of both sides. If the OPCC do not wish to engage in a particular process then they will not be - and cannot be - required to participate. Our learning from the operation of the process is that a flexible and agile approach will be needed to find a process in which complainants and the OPCC are prepared to engage. It is suggested that the Monitoring Officer is best placed to make this decision. The alternative would be to have these decisions taken by the Complaints Sub-Committee which would reduce the agility of</p>	<p>no right of appeal or review of the decision of the Monitoring Officer.</p>

Paragraph	Issue raised by OPCC	Response	Description of changes which have been made to draft document.
		the process.	

Essex Police and Crime Panel

Complaints Sub-Committee

Terms of Reference

1. The Sub-Committee has full delegated authority to make any decision which the Panel may take with respect to complaints about the Police and Crime Commissioner or the Deputy Police and Crime Commissioner except any decision which the Panel may not delegate by law.
2. The Sub-Committee shall report annually or at such other frequency as the Panel may determine on the discharge of its functions.

AGENDA ITEM 10

Essex Police and Crime Panel	EPCP/017/15
Date: 29 October 2015	

Forward Look

Report by the Secretary to the Panel

Enquiries to: Colin Ismay: 033301 34571 colin.ismay@essex.gov.uk

Purpose of report and background

To plan the business of the Panel.

The next Meeting of the Panel is scheduled for 29 October 2015.

Business proposed to be taken to the meetings is as follows:

Date	Performance for period up to	Other business
26 November	End September Q2	<ul style="list-style-type: none"> Recommendations arising out of the Committee for Standards in Public Life's report of its inquiry "Tone from the top - leadership, ethics and accountability Ethics and Integrity Commissioner's Budget Plans Annual Report Part-Night Lighting review
29 January		<ul style="list-style-type: none"> Precept proposal
18 February		<ul style="list-style-type: none"> If needed to receive revised budget proposals End of term report by Commissioner
26 May		<ul style="list-style-type: none"> New Commissioner to set out his stall
27 October	End June Q1	<ul style="list-style-type: none">
1 December	End September Q2	<ul style="list-style-type: none">

The Panel is asked to indicate any other business it would like to consider and approve the schedule of meetings.

Potential Future items: the impact of Transforming Rehabilitation and the changes to the Probation Service.

