



Meeting: Leicester, Leicestershire and Rutland Police and Crime Panel

Date/Time: Wednesday, 26 June 2013 at 9.00 am

Location: Guthlaxton Committee Room, County Hall

Contact: Beverley Ireland (0116 305 6339)

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Membership

Cllr. David Bill MBE	Cllr. Byron Rhodes
Cllr. J. Boyce	Cllr. Sarah Russell
Cllr. A. V. Greenwood MBE	Cllr. Lynn Senior
Miss. H. Kynaston	Cllr. D. Slater
Col. R. Martin OBE, DL	Cllr. Manjula Sood, MBE
Mr. J. T. Orson JP CC	Cllr. Paul Westley
Cllr. Trevor Pendleton	

AGENDA

<u>Item</u>	<u>Report by</u>
1. Election of Chairman.	
2. Election of Vice-Chairman.	
3. Minutes of the Meeting held on 25 March 2013.	(Pages 3 - 6)
4. To advise of any items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	
6. Development of the Office of the Police and Crime Commissioner.	Police and Crime Commissioner (Pages 7 - 8)



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| 7. | Commissioning Framework - presentation. | Police and Crime Commissioner | |
| 8. | Developing Change options - presentation. | Police and Crime Commissioner | |
| 9. | Police and Crime Plan refresh - presentation. | Police and Crime Commissioner | |
| 10. | Stage 2 Transfers - presentation. | Police and Crime Commissioner | |
| 11. | Police and Crime Commissioner: - Annual Report | Police and Crime Commissioner | (Pages 9 - 20) |
| 12. | Police and Crime Panel: Constitution and Governance Issues. | County Solicitor | (Pages 21 - 38) |
| 13. | Police and Crime Panel: proposed timetable of meetings. | County Solicitor | |
| 14. | Police and Crime Panel: Political Balance. | | (Pages 39 - 42) |
| 15. | Police and Crime Panel: Allowances for Independent Co-opted Members. | County Solicitor | (Pages 43 - 44) |
| 16. | Date of next meeting. | | |
| 17. | Any other items which the Chairman has decided to take as urgent. | | |

Minutes of a meeting of the Leicester, Leicestershire and Rutland Police and Crime Panel held at County Hall, Glenfield on Monday, 25 March 2013.

PRESENT

Mr. J. T. Orson JP CC – Leicestershire County Council (in the Chair)

Cllr. John Boyce	Oadby and Wigston Borough Council
Cllr. Colin Golding	Harborough District Council
Cllr. Tony Greenwood MBE	Blaby District Council
Mr. Stephen Hampson	Charnwood Borough Council
Miss. Helen Kynaston	Independent Member
Col. Robert Martin OBE, DL	Independent Member
Cllr. Trevor Pendleton	North West Leicestershire District Council
Cllr. Barrie Roper	Rutland County Council
Cllr. Sarah Russell	Leicester City Council
Cllr. Manjula Sood, MBE	Leicester City Council
Cllr. Paul Westley	Leicester City Council
Cllr. David Wright	Melton Borough Council

In attendance.

Sir Clive Loader, Police and Crime Commissioner
Simon Cole, Chief Constable

22. Minutes.

The minutes of the meeting held on 30 January 2013 were taken as read, confirmed and signed.

23. Urgent items.

There were no urgent items for consideration.

24. Declarations of interest.

All members of Community Safety Partnerships declared non-pecuniary personal interests in all matters relating to those partnerships.

Mr J T Orson CC, Cllr T Pendleton, Cllr B Roper and Cllr S Russell all declared non-pecuniary interests as members of the Strategic Partnership Board.

Cllr C Golding declared a non-pecuniary personal interest as he was a non-executive director of the Probation Trust.

Col R Martin declared a non-pecuniary personal interest as he was a trustee of

Warning Zone, which was in receipt of funding from the Police.

Cllr M Sood declared a non-pecuniary personal interest as the Chairman of the Leicester Council of Faiths.

25. Police and Crime Commissioner's Police and Crime Plan 2013-2017.

The Panel considered a report of the Police and Crime Commissioner introducing the Police and Crime Plan to be published by 31 March 2013. A copy of the report, marked B, is filed with the minutes. The Panel also considered the Equality Impact Assessment (together with the associated Action Plan) that had been carried out on the Police and Crime Plan, and comments, including suggested minor amendments to the text of the Plan, that had been drafted to assist the Panel in its consideration. Copies of these are also filed with the minutes.

The Chairman welcomed the Police and Crime Commissioner (PCC) and the Chief Constable to the meeting.

The PCC introduced the Police and Crime Plan and highlighted that it had changed significantly from the draft received by the Panel at its meeting on 30 January, as a result of the Panel's comments and feedback from wider public consultation: in particular, the section on partnership working had been extensively amended. The PCC drew attention to the Equality Impact Assessment which had been produced by independent experts on behalf of his office.

The PCC assured the Panel that there would minor changes made to some of the policing targets, to reflect the recent Home Office announcement regarding sanctioned detection rates, before the Plan was published.

The PCC reminded the Panel that a further version of the Plan would be produced in September, taking account of the commissioning decisions he would be making in June and the work being done on closing the gap between future spend and future funding of the police force. There would, therefore, be further consultation and opportunities for the Panel to influence the Plan as it developed. He finished by assuring the Panel that he welcomed the supportive challenge offered by it.

The following points rose from discussion:

- The Panel was pleased to hear that the PCC was receptive to its input and accepted its role as 'critical friend'. In the light of the Francis Report arising from the Mid Staffordshire NHS Foundation Trust Public Enquiry, it was noted that it was crucial the Panel retained its independence of the PCC and ability to hold him to account when necessary.
- The Panel welcomed the changes made to the Plan since the version received at its meeting in January and congratulated the PCC on having listened and responded positively to its comments and to the wider responses to his consultation.
- The amendments to the section on partnership working were particularly welcomed but the Panel emphasised the complexity of the arrangements across the area and across organisations and warned the

PCC that there was still a lot of work he would need to do in this area.

- There were a number of voluntary sector structure organisations across the Force area that the Office of the PCC could approach to provide representation of the wider community and voluntary sector on the Volunteer Forum.
- The PCC was urged to do more to include targets and outcomes around vulnerability in future versions of the Plan.
- The Panel would need to agree a timetable and work programme for future meetings that was synchronised with the Office of the PCC's timetable for reporting to allow it to monitor the PCC's performance, including against the targets in the Plan.
- The PCC emphasised the importance of early intervention work and its potential to provide significant savings for the future: he was committed to working with the Supporting Leicestershire Families to contribute to this agenda.
- Members of the Panel suggested that a focus on prevention of crime would be more reassuring to the public than raising sanctioned detection rates. The PCC reported that a common concern raised with him during the election had been around whether or not criminals were being dealt with fairly and appropriately by the judicial system.
- Concerns were expressed that the Plan, as currently presented, was not a document that members could take back into their communities. The Office of the PCC would be producing other formats, including an Easy Read version, for wider dissemination.
- It was noted that the information in the Equality Impact Assessment on satisfaction rates among victims of crime was taken from national data collected by surveying a random selection of victims. Local monitoring, at Community Safety Partnership level, was also undertaken.
- In relation to the Equality Impact Assessment, it was noted that human rights issues were becoming more significant and that international and global events could have an impact on issues of race relations.
- There were three times as many domestic burglaries as commercial burglaries. However, commercial burglaries could have a knock on effect on several lives if it impacted business or health and safety. It was noted that a large proportion of commercial burglary incidents were theft of property from individuals while on a commercial property and could be addressed by educating people not to leave items unattended.
- The PCC and Chief Constable were monitoring the progress of the draft Anti-Social Behaviour Bill through Parliament and the Plan would be amended in due course in the light of any legislative changes.
- The importance of getting tone right in certain circumstances was highlighted; for example, the bid by Leicester to be a City of Culture was a positive move that could bring benefits to the city and surrounding area and it was hoped it would not be described as a possible 'threat' to public order by the police, as was the case with sporting events.

It was moved by Cllr Greenwood and seconded by Cllr Golding and carried unanimously that:

"the Panel accepts and supports in full the Police and Crime Plan as amended in the light of the comments submitted".

RESOLVED:

That the Panel accepts and supports in full the Police and Crime Plan, as amended in the light of the comments submitted (in the attached document).

26. Date of next meeting.

The Panel noted that a timetable of meetings and work programme for the Panel needed to be developed and that this work should take account of the reporting timetables of the Office of the PCC. It was reported that there remaining constitutional issues that the Panel needed to agree.

AGREED:

- a) That officers be requested to draft a timetable and work programme for the Panel, taking account of the Office of the Police and Crime Commissioner's reporting processes;
- b) That a sub-committee of the Panel be established to consider the remaining constitutional issues and to report its recommendations to a future meeting.

27. Barrie Roper.

Barrie Roper reported that this would be his final meeting as he was retiring from Rutland County Council in April.

On behalf of the Committee, the Chairman thanked Mr Roper for his contribution to the Panel's early days and its formation and development, and for his earlier contribution to the people of Leicester, Leicestershire and Rutland during his service on the Police Authority, which included chairing it through the transition process to hand over to the PCC. The Panel wished Mr Roper the best of luck in the future.

9.30 am - 10.40 am
25 March 2013

CHAIRMAN

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL

Report of	POLICE & CRIME COMMISSIONER
Subject	DEVELOPMENT OF THE OFFICE OF THE POLICE & CRIME COMMISSIONER
Date	WEDNESDAY 26 JUNE 2013 – 9.00 A.M.
Author :	CHIEF EXECUTIVE

Purpose of Report

1. To brief the Police and Crime Panel on the development of the Office of the Police and Crime Commissioner from its Police Authority origins through to the current state and projecting future requirements.

Recommendation

2. It is recommended that the Panel notes this report and indicates its support for the measured approach being taken to the development of the Office.

Background

3. In order to ensure that the Police and Crime Commissioner can fulfil all duties expected of him, it is essential that he has access to appropriate support and facilities. The support may come from a number of sources such as staff dedicated to the OPCC, services from Leicestershire Police, secondments, partner support and collaboration. Facilities may also be derived from a variety of sources, but will predominantly be accommodation and information systems support delivered by Leicestershire Police.
4. It is, of course, expected that the support and facilities are delivered to the OPCC in the most economical, effective and efficient way possible.
5. A full report is being prepared for the Panel that describes the development of the OPCC. It is anticipated that the report will be available for despatch before 21 June 2013. That report will be despatched through the usual channels and will be available to the public as well as to the Panel.

Person to Contact

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POLICE & CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL

Report of	POLICE & CRIME COMMISSIONER
Date	WEDNESDAY 26 JUNE 2013 – 9.00 A.M.
Subject	ANNUAL REPORT 2012/13
Author	CHIEF EXECUTIVE

Purpose of Report

1. To present to the Police and Crime Panel the Annual Report of the Police and Crime Commissioner for Leicestershire covering the period 15 November 2012 to 31 March 2013. A copy of the Annual Report is attached as Appendix A to this report.

Recommendation

2. It is recommended that the Police and Crime Panel reviews the content of the Annual Report in line with paragraph 79 of the Leicestershire Police and Crime Panel's Rules of Procedure approved at their meeting of 23 November 2012.

Background

3. Under the Police Reform and Social Responsibility Act 2011 Section 12, a Police and Crime Commissioner is required to produce a report how they have exercised the functions of their office during each financial year, or part of a financial year, that they hold office.
4. The report being presented covers the period that the Police and Crime Commissioner held office during the 2012/13 financial year. The Police Reform and Social Responsibility Act 2011 Schedule 1 – 16(1) defines the Police and Crime Commissioner's 2012/13 financial year to be the period from 15 November 2012 to 31 March 2013.
5. The additional requirement that such an Annual Report covers the progress made towards achievement of any police and crime objectives set out in the Police and Crime Plan. However, in line with legislation, the Police and Crime Plan was not published until 31 March 2013 and covers the period 1 April 2013 and 31 March 2017, therefore this element is not relevant for the period covered by this report.

6. A Police and Crime Commissioner is required under Local Policing Bodies Specified Information Orders SI 2011/3050 and SI 2012/2479 to publish certain details on an annual basis. Guidance issued by the Association of Police and Crime Commissioners recommends that these details are included in addition to the reporting of how the Police and Crime Commissioner has fulfilled their statutory functions. In line with this Guidance these have been incorporated into the Annual Report being presented.

Implications

Financial :	n/a
Legal :	The production of an Annual Report for every financial year is a statutory responsibility for a PCC under Section 12 of the Police Reform and Social Responsibility Act 2011.
Equality Impact Assessment :	n/a
Risks and Impact :	n/a
Link to Police and Crime Plan :	Whilst Section 12 of the Police Reform and Social Responsibility Act 2011 designates that the Annual Report must include the progress during the reporting period towards the achievement of Police and Crime Objectives, these Objectives did not take effect until 1 April 2013 and the statutory period being reported on ended on 31 March 2013.

List of Appendices

Appendix: A – Annual Report of Police and Crime Commissioner for Leicestershire – 2012/13

Background Papers

Police Reform and Social Responsibility Act 2011
 The Elected Local Policing Bodies (Specified Information) Order 2011 (SI 2011/3050)
 The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 (SI 2012/2479)
 APCC guidance - Interim model information scheme

Person to Contact

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 Email: paul.stock@leics.pcc.pnn.gov.uk

Annual Report

In an attempt to bring police forces closer to the communities they serve, the Government introduced the new role of Police and Crime Commissioner, or PCC, for every geographical force in England and Wales outside London.

Elections for this new role took place on 15 November, when the people of Leicestershire elected Sir Clive Loader to serve as Commissioner until May 2016.

The Commissioner is not here to run the police force; that remains the job of the Chief Constable. The Commissioner's role is to represent the public and to hold the police to account.

This annual report for the Office of the Police and Crime Commissioner for Leicestershire relates to the period 15 November 2012 to 31 March 2013.

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The Commissioner's Responsibilities

After taking office, the Commissioner's first task was to appoint suitably qualified people to the posts of Monitoring Officer and Chief Finance Officer (CFO) for the OPCC. These roles have been undertaken by Paul Stock (Chief Executive/Monitoring Officer) and Peter Lewis (CFO). The salaries for these posts are £90,000 and £80,000 respectively.

Sir Clive also verified that the Chief Constable, Simon Cole, has appointed a suitably qualified person to the post of Chief Finance Officer for the Office of the Chief Constable.

The primary role of the PCC is to hold the Chief Constable to account. There has not been a requirement to appoint a new Chief Constable or any new Senior Staff in the past year. He also has the power to suspend or dismiss the Chief Constable (in appropriate circumstances). This has not been necessary this year.

One of the ways in which the PCC has held the Chief Constable to account is by meeting with him privately on a regular basis. One to one meetings between them have been held frequently since the Commissioner's first day in office. There have also been monthly Executive Board meetings held at Police HQ which were open to the public.

Setting the Police Precept and Budget

Another of the Commissioner's initial tasks was to set the precept and budget for the OPCC. The precept is the amount of money which is collected via Council Tax and used for policing. Sir Clive has approved a budget for 2013/14 of £173.5 million. This is a reduction of £0.8m compared to the budget for 2012/13 and includes the ongoing effect of £23m of savings achieved over the last two years.

There has been no increase in council tax for police purposes this year. It will cost the average local taxpayer in Band D £173.87, which works out at just 48p per day. More information can be found here: <http://www.leics.pcc.police.uk/Planning-and-Money/Council-Tax-2013-14.aspx>

Crime and Disorder Reduction Grants

The PCC can award Crime and Disorder Reduction Grants to suitable projects or organisations. None were awarded in 2012/13, but letters of intent were distributed in March 2013 to confirm transitional funding arrangements for 2013-2014 for all projects previously funded through Home Office Crime, Drugs and Community Safety Grants (which have now ceased). The Police and Crime Commissioner's new Community Safety Fund totals £1,649,000 for 2013-2014. He is required to use this fund to support the achievement of the Strategic Objectives within the Police and Crime Plan.

The PCC has agreed that it is in the best interests of the OPCC, partners, the tax payer, and the wider electorate to offer a period of transitional funding for all initiatives previously funded through the Home Office grants. The period of transitional funding will be for six months from April 1st 2013 until the 30th September 2013, and the amount of funding awarded will be 50% of the Home Office grant value awarded for 2012/2013, i.e. no cut in funding will be applied even though the sum of the total grants ceased exceeds the sum of the new Fund.

By June 2013 partners will be notified of the PCC's intentions with regard to awarding grants from October 2013 onwards, which will have been developed with cross-partner/stakeholder involvement. The process for applying for future funding will be communicated at this time, pending this stakeholder/partner work.

Value for money

The OPCC is developing a commissioning framework which will support the Police and Crime Plan. An aim of the framework is to ensure that the use of resources is optimised to enable effective delivery of outcomes to achieve the Strategic Objectives within the Plan.

The PCC requires the Chief Constable to formulate an approach to policing that will deliver the objectives set out in the plan within the resources that will be available to him in both 2013-14 and future financial years, through a planned programme of change.

The PCC will continue to strive to secure more efficiencies within the areas under his direct management, in order to keep the budget to the minimum required to support him in carrying out his duties.

The Police and Crime Plan

The Commissioner published his Police and Crime Plan for 2013-2017 on 31 March 2013. This sets out his policing and crime reduction priorities for Leicester, Leicestershire and Rutland over the next four years

Drafts of the Plan were presented to the Police and Crime Panel in January and March, and a final version was developed following consultation with public and partners.

The Plan is due to be reissued in September, taking into account changes to funding processes, the impact of savings strategies and new commissioning plans. A full copy of the Plan can be found on the website at www.leics.pcc.police.uk.

Responsible Authorities

In determining the strategic priorities within the Police and Crime Plan, the PCC has taken regard of the strategic priorities of the Community Safety Partnerships.

The strategic priorities set out in the Plan are based on comprehensive research and analysis commissioned on behalf of the PCC. This included a Partnership Needs Assessment which looked at the wider needs assessment based around the known causal and risk factors of crime and disorder.

The support and knowledge of the Community Safety Partnerships in this process has been invaluable. We have found, for example, that alcohol and drug misuse and dependency, mental ill health, employment and training all feature as strategic priorities across a number of partners within the community safety arena. These factors all impact on crime and disorder and confirm the links and interplay between the strategic objectives of the police and those of our partners. The relationships between partners and the police will be key in the commissioning process and will help ensure the monies are allocated against our shared priorities in a controlled, accountable and focussed way.

Publication of Information

The PCC publishes information in order that the public can assess how they are fulfilling their legal obligations. This information can be found on the OPCC's website within the Publication Scheme <http://www.leics.pcc.police.uk/About-Us/Publications-Scheme.aspx>

Consultation and Engagement

Under the Police Act 1996, the PCC has an obligation to ensure that the views of the public are being collected and taken account of in the Police and Crime Plan.

Leicestershire Police has over many years developed numerous ways to engage and consult with its diverse communities. There are many examples from operational/neighbourhood, to tactical and strategic level.

Leicestershire Police has a suite of surveys which, together with more traditional consultation and engagement methods, provides a comprehensive insight into performance, public confidence and satisfaction as well as helping determine policing priorities.

The surveys range from interrogating those that have had direct contact with the police as victims, witnesses or complainants to broader more subjective enquiries regarding service delivery. The survey regime by necessity has to reflect the diverse nature of the policing function and just like policing is evolving and dynamic.

In the development of the Police and Crime Plan, comprehensive research and analysis was commissioned on behalf of the PCC. This included:

Victim Survey data: This looks at the post-crime views of those who have need of our service as victims. The PCC has used this data to determine satisfaction and confidence targets for the coming year.

Business Survey: A business survey was commissioned to more fully understand the perceptions of business owners about the impact of crime on their business. This information has been collated and analysed and will improve our planning and response to crimes related to the business community.

Access to the PCC: The PCC was elected by the people of Leicester, Leicestershire and Rutland and is committed to maintaining an open door for communication about issues that matter most to individuals and groups across the Force area. The quantity of communications received by the office has increased dramatically compared to that received by the previous Police Authority. The Commissioner is keen to listen hard to help him develop and sustain a more realistic picture of the issues that affect local people. The OPCC has developed a strategic consultation and engagement plan which will give people the opportunity to tell him their views and concerns.

The Police and Crime Panel

The Police and Crime Panel (PCP), which is totally independent of the Office of the Police and Crime Commissioner, oversees the work of the PCC.

Its role includes:

- Reviewing the PCC's proposals for the amount of council tax local people pay towards policing. It has the power to veto these proposals if it considers the amount is inappropriate
- Considering the PCC's Police and Crime plan and Annual Report
- Considering the PCC's proposals for the appointment of a new Chief Constable, with the power to veto
- Investigating complaints about the PCC

The PCP will not scrutinise the performance of the Force as a whole or the Chief Constable as this is the responsibility of the PCC. It can request reports from the PCC and if it wishes, call the PCC to attend its meetings.

The Police and Crime Panel made some recommendations regarding the contents of the Police and Crime Plan and these recommendations were reflected in the final plan published by the PCC. When that plan was presented to the Panel, it was resolved that “the Panel accepts and supports in full the Police and Crime Plan, as amended in the light of the comments submitted (in the attached document)”.

In addition, the Police and Crime Panel considered the budget and precept proposals for 2013/14, and resolved that “the information in the report, including the 2013/14 budget requirement at £173.461m and council tax requirement for 2013/14 at £49.222m, be noted; and that the proposal to freeze the Band D council tax for police purposes at £173.8750, the same level as for 2012/13, be supported”.

Compliance

Financial Codes of Practice

The PCC has operated in compliance with the Financial Codes of Practice issued by Parliament. Further details of this can be found in the Corporate Governance Framework.

Policing Protocol

As the elected (PCC) for the Leicestershire Force area, the PCC’s responsibilities are set out in legislation. The Policing Protocol Order 2011 is issued in accordance with the requirements of the Police Reform and Social Responsibility Act 2011 through which his role as PCC was enacted. The PCC has operated in compliance with the Policing Protocol as follows.

He is responsible for the totality of policing within Leicestershire and he will hold the Chief Constable to account for the operational delivery of policing, including the Strategic Policing Requirement.

The Commissioner is responsible for setting the strategic direction and objectives through the Police and Crime Plan (“the Plan”) and to decide both the budget and the allocation of funds to support the Plan.

He expects the Chief Constable to demonstrate how he will deliver this vision and strategic priorities as set out in this Plan, within his own delivery plan.

Strategic Policing Requirement

The Home Secretary’s Strategic Policing Requirement (SPR) recognises that police forces need to work cooperatively across force boundaries to plan for, and deliver, effective capabilities to tackle threats that stretch from local to national but which require a response that is rooted in local policing. These threats – such as terrorism, organised crime, public disorder and civil emergencies – can spread across the country quickly and dynamically, witness the disturbances of summer 2011. The Commissioner’s Police and Crime Plan sets out how Leicestershire Police will deliver the SPR.

Delegations of functions made by the PCC

This Scheme of Corporate Governance (<http://www.leics.pcc.police.uk/Document-Library/Corporate-Governance-Framework-May-2013.pdf>) sets out the delegations by the Police and Crime Commissioner to a Deputy Police and Crime Commissioner (Deputy PCC) (if appointed), the Chief Executive, the Police Force via senior officers such as the Chief Constable's Chief Finance Officer and the Force Solicitor (see note 4 above).

Collaboration

At a time when resources are shrinking in all sectors and across all agencies, it is essential that these issues are tackled in the most joined up way possible. Through the Strategic Partnership Board and associated delivery groups the OPCC will work with partners to identify tactical approaches that will result in measurable, positive changes that benefit our communities and which will help all agencies work effectively and efficiently together. The police will contribute both in time and resource to the shared agenda and the OPCC will do all that it can to support and encourage partners to do likewise based on their own responsibilities and priorities.

There is an extensive network of partnerships across the Force area and the wider East Midlands, including the Strategic Partnership Board which has been developed to drive and manage whole-system thinking.

The PCC plans to use the resources available to him to understand better the dynamic relationship between prevention, intervention and reduction of crime and non-crime incidents. Then we can commission (in collaboration with partners) for outcomes that will have a measureable impact at all three levels. In a time of reducing budgets, we need to maximise the resources we all have through increasing intelligence-led commissioning.

We are confident that the existing partnership landscape, with its current joint commissioning arrangements, will help facilitate this. It is our intention to work with existing and emerging joint/partnership commissioning bodies when commissioning outcomes.

Our vision involves looking creatively at the provider landscape too, and we are committed to ensuring that the most effective interventions and ideas, whether large or very small, have their value recognised and considered. We are particularly keen that the third sector, charities, social enterprises, voluntary organisations and also small business initiatives remain and grow as part of our provider landscape.

By working together to tackle these themes, using the existing and emerging partnership structures in place, we aim to prevent, intervene and reduce those behaviours and situations which have an impact across all communities and which require extensive police and partnership resourcing to manage. This will entail intervening early, as well as targeting those who cause the most harm or who are at the greatest risk of harm.

The Commissioner will seek to support existing effective partnerships such as the Multi-Agency Public Protection Arrangements (MAPPA), and the associated Multi-Agency Prolific and Priority Offender Management (MAPPOM) teams which all rely on collaboration to target those who cause most harm, or who are at greatest risk of harm. Likewise, he recognises the value of the existing Community Safety Partnerships (CSP) and will work with them so that our priorities are understood and aligned and the impact of our collective actions can be maximised.

There are a number of partnership structures currently in place, which the Commissioner intends to contribute to and support going forward.

These include:

- The Strategic Partnership Board
- City Partnership and Safer Leicester Partnership
- Leicestershire Together and Leicestershire Safer Communities Board
- Rutland Together and Safer Rutland Partnership
- District level Community Safety Partnerships
- Health and Well Being Boards for Leicester City, Leicestershire, and Rutland (and therefore embedded partnerships e.g. Leicestershire Substance Misuse Partnership Board (SMPB), the Leicester City Drug and Alcohol Commissioning Group and the Criminal Justice Strategic Commissioning Group (CJSCG))
- Youth Offenders Management Board (City)
- Youth Offending Service Management Board (County and Rutland)
- Leicestershire and Rutland Local Safeguarding Children's Board
- Leicester Safeguarding Children's Board
- Leicestershire and Rutland Safeguarding Adults Board
- Leicester Safeguarding Adults Board
- Leicestershire Children's Commissioning Board
- Rutland Children and Young Peoples Partnership
- Leicester City Children's Trust
- Leicester, Leicestershire and Rutland Road Safety Partnership

Police forces in the East Midlands have worked together formally and informally for many years and recognise that joint working is a sustainable way of delivering a wide range of police services to the people of the East Midlands and at a national level. Considerable momentum and progress has been made in relation to East Midlands Collaboration with commitment from all Chief Officers in the five forces making up the region, (Leicestershire, Nottinghamshire, Northamptonshire, Derbyshire and Lincolnshire).

The Commissioner fully supports this approach and sees it as being essential to the provision of an effective and efficient police service able to meet the challenges of the 21st Century. He will work with the other Police and Crime Commissioners in the region to maintain or increase this momentum and to seek innovative and effective solutions which will bring down the cost of policing our streets. He will also meet with his peers through the East Midlands PCC Board where they will seek a common

understanding and way forward in collaboration, thus ensuring that the interests of Leicester, Leicestershire and Rutland are balanced with the regional and national needs of the broader area.

HMIC Inspections

There have been no inspections commissioned by the PCC for HMIC to carry out of policing in the Force area this year.

Independent Custody Visiting Scheme

The Police and Crime Commissioner has a statutory duty to ensure that an Independent Custody Visiting Scheme is in operation within his Force area. The Scheme provides for members of the local community to visit police custody suites, unannounced at any time of the day or day of the week, to speak to people held in police custody to ensure their welfare. At present there are 35 custody visitors undertaking the role. During 2012/13 a total of 154 custody visits were made to the primary custody suites of Beaumont Leys, Euston Street and Keyham Lane. At the time of visits a total of 1265 people were in police custody. Of these, 619 detainees were offered a visit from custody visitors and 98% agreed to a visit and had the opportunity to discuss their welfare and treatment whilst in police custody.

Throughout the past year the main health and safety issues raised included reports of cool cell temperatures, food temperature probes not working and ligature points in an exercise yard. All issues were resolved promptly.

A separate annual report on the Scheme will be published on the Commissioner's website in July.

The Commissioner will receive update reports on the Scheme at meetings of the Strategic Assurance Board where issues raised will be discussed with the Force.

Complaints

The PCC is scrutinising and monitoring how complaints made by members of the public about policing are being handled. He will receive data on complaints received on a quarterly basis at business meetings held with the Force. Between meeting dates the PCC will undertake his own dip sampling of complaint files. The outcome of the dip sampling will be discussed at the business meeting.

There have been no complaints received by the Police and Crime Panel relating to the senior posts within the Office of the PCC (as defined earlier in this report) between 22/11/12 and 31/3/13.

Subsequent Transfer Scheme

Discussions are ongoing about the Subsequent Transfer Scheme, which is due to take place by the end of March 2014.

Register of Interests

A register of Sir Clive's disclosable interests can be found on the OPCC's website at <http://www.leics.pcc.police.uk/Document-Library/Sir-Clive-Loader---Disclosable-Interests-Completed-Form.pdf>

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**LEICESTER, LEICESTERSHIRE AND RUTLAND
POLICE AND CRIME PANEL – 26 JUNE 2013**

REPORT OF THE COUNTY SOLICITOR

CONSTITUTIONAL AND GOVERNANCE ARRANGEMENTS

Purpose of the Report

1. The purpose of this report is to:
 - (a) advise the Panel of action taken by the County Solicitor to produce further procedures in relation to the operation of arrangements for dealing with complaints against the Police and Crime Commissioner;
 - (b) facilitate discussion with a view to clarifying issues relating to declarations of interests by members of the Panel; and
 - (c) seek the agreement of the Panel on two issues relating to constitutional governance arrangements, the relationship with the Joint Audit Risk and Assurance Panel (JARAP) for the Police and Crime Commissioner and Chief Constable and the payment of expenses or allowances to independent members.

Introduction

2. The following documents have been produced to provide the constitutional framework for the operation of the Police and Crime Panel:
 1. Terms of Reference
 2. Panel Arrangements
 3. Rules of Procedure – relating to conduct of meetings
 4. Rules of Procedure – working arrangements
 5. Guidance on conducting Confirmation Hearings
 6. Protocols with other bodies
 - Police and Crime Commissioner
 - Crime and Disorder Overview and Scrutiny at Leicestershire County Council
3. These documents have been published on the website for the Police and Crime Panel and are accessible at www.leics.gov.uk/policeandcrimepanel.htm.

The procedures for dealing with complaints against the Police and Crime Commissioner are discussed below.

4. The process for agreeing those documents and any amendments to them does vary according to the nature of the issue under consideration, as follows:-
 - (a) Terms of Reference, Panel Arrangements: to be agreed by all local authorities on the Panel (required by law)
 - (b) Rules of Procedure, relating to both conduct of meetings and working arrangements: to be agreed by the Panel (required by law)
 - (c) Guidance on conducting Confirmation Hearings: agreed by the Panel on 20 December 2012
 - (d) Protocols with other bodies require the agreement of the Panel and the other bodies concerned and were agreed by the Panel on 20 December 2012.
5. In relation to the operation of complaints procedures against the Police and Crime Commissioner or his Deputy(ies), if appointed, the Panel has set the general direction of travel and delegated to the County Solicitor responsibility for formulating detailed procedures.
6. It is proposed that in order to assist in the further development of appropriate arrangements, the County Solicitor be given delegated responsibility to make amendments to the suite of documents, with the exception of the Terms of Reference, Panel Arrangements and Rules of Procedure, subject to consultation with the Chairman and Deputy Chairman of the Panel.

Complaints against the Police and Crime Commissioner

7. At its meeting on 20 December 2012, the Panel delegated responsibility to the County Solicitor to 'produce such further procedures, notes of guidance and forms as may be helpful to assist in the operational process and provision of information to complainants'.
8. The procedures and notes of guidance are attached and fall into three sections: a general note about arrangements for handling complaints, the procedures to be followed on such complaints and a 'quick guide' for the benefit of complainants. The procedures follow the relevant regulations and much of the wording is drawn from those regulations. Copies have been sent to the Office of the Police and Crime Commissioner (OPCC) and the Independent Police Complaints Commission (IPCC). The Policy and Engagement Manager of the IPCC responded, saying "I have read your guidance with interest and I think it's excellent!". No comments have been received from the OPCC. The Panel is asked to comment on the procedures and notes of guidance.

Members' Code of Conduct and Declarations of Interest

9. The Rules of Procedure relating to Conduct of Meetings make it clear that elected members drawn from different local authorities to serve on the Panel

will be the subject of the Code of Conduct and related procedures in place at their respective authorities. The Leicestershire County Council revised its Code of Conduct at the Council meeting in March 2013 and a number of District Councils may choose to adopt that Code of Conduct. However, the position will remain that not all members of the Panel will be subject to the same Code.

10. In these circumstances and given that any decision on declarations of interests is a matter for the individual member, it would not be appropriate for the County Solicitor to give advice on how membership of various bodies should be treated in all cases. What follows is therefore a statement of what could be regarded as appropriate general principles to facilitate discussion and some common understanding as between the members of the Panel.
11. The legislation contains no provisions relating to this issue. The constitution of the Panel establishes the expectation that each relevant local authority in the Police area will nominate a person to be a member of the Panel. That person is therefore a member of the Panel by virtue of being a member of the particular local authority and will be expected to represent the interests of their Council area. In these circumstances it is not necessary for any declaration to be made to that effect.
12. Community Safety Partnerships have been established to promote the interests of the particular areas and membership of those partnerships flows from membership of the relevant local authority. Any member of the Police and Crime Panel who is also a member of a Community Safety Partnership would not on the basis of this analysis be expected to make a declaration to that effect; however, the secretariat will maintain a note of that membership in the event that any queries are raised.
13. Members of the Panel may also undertake responsibilities for the community in other ways, for example through membership of the Probation Board or the Leicester Council of Faiths. In these circumstances, the member concerned may feel it appropriate to declare a personal interest. That in itself would not normally prevent a member from taking part in the meeting. Although terminology will vary from one authority to another, there is a recognition in a number of Codes of Conduct that there will be occasions where a member with a personal interest should not take part in the debate. In many Codes, there is a judgement of "common sense"; for example, in the Code of the County Council, the definition of such an interest is: "One which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest". This is the sort of test which is familiar to members based upon their experience.

Strategic Partnership Board (SPB)

14. The SPB operates as a consultative partnership body. It does not have the executive power to require the constituent organisations to commit their resources in a particular way or to commit to a particular initiative or plan.

The members of the SPB represent their local authorities and do not have delegated executive powers to make such decisions but, if consensus is reached on a way forward, are expected to use their best endeavours to obtain the commitment of their authorities.

15. Members attend the Panel on behalf of their constituent authorities. If a matter under discussion has not been raised at the SPB, no conflict arises. If it has, then the member should represent the views of his/her authority. If those correspond with the agreement reached at the SPB, then again no conflict arises. If they do not, then the obligation of the member remains as above, to represent the view of his/her authority and that matter will have to be further discussed or resolved at the SPB.
16. In all of these circumstances, the position of a member of the Police and Crime Panel who is also on the SPB appears to be no different from that of membership of the Community Safety Partnership, i.e. in both cases membership of both bodies is a consequence of membership of the relevant Council with the consequence that no declaration would be required.
17. However, the secretariat will maintain a note of members' involvement in the SPB, in the event of any query being made.

Independent Members

18. Independent members are not elected members of a local authority and therefore not subject to the application of a Code of Conduct for that reason. However, it is clearly appropriate that the principles of behaviour in public life do apply to those persons as members of the Panel. Whilst the Panel is independent of the County Council, it would appear appropriate for the County Council Code to apply in the same way as that Code applies to co-opted members on County Council committees. The Panel is asked to agree to this proposal and note that, if agreed, Independent Members will receive training on the application of that Code.

The Joint Audit Risk and Assurance Panel (JARAP): Police and Crime Commissioner and Chief Constable

19. The above Panel has been established in light of the principles of good governance laid down by the Chartered Institute of Public Finance and Accountability (CIPFA) and the financial management code of practice for the police service of England and Wales. The view has been taken that the Office of the Police and Crime Commissioner and the Chief Constable are intrinsically linked by the priorities of the Public and Crime Plan and therefore it is in the best interests of the public, value for money and probity that the JARAP is established.
20. The purpose of the JARAP is defined in its terms of reference as being:-

“To provide independent assurance of the adequacy of the following –

- The risk management and the internal framework operated by the PCC and Chief Constable
 - The effectiveness of their respective governance arrangements
 - Appointment, support and keep under review the work of internal and external auditors as they provide assurance on risk management, internal controls and the annual accounts through their work
 - Financial and non-financial performance to the extent that it affects the PCC and the Chief Constable's exposure to risk, weakens the control environment and undermines their ability to provide good value for money.
 - The financial reporting process.”
21. The Terms of Reference further state that: “The JARAP will establish effective communication with... other relevant stakeholders, including the Police and Crime Panel, for the purpose of fulfilling these Terms of Reference. A working protocol will be established to ensure this is achieved by all parties”.
22. The JARAP will have a chair, deputy chair and three other members, all of whom must be independent of the PCC, the Chief Constable and Police and Crime Panel.
23. The responsibilities of the JARAP include obtaining assurance in connection with the adequacy of relevant statements including the Annual Governance Statement and the Head of Internal Audit's Annual Report. The Chair of the JARAP will be responsible for producing an annual report to coincide with the Annual Governance Statement.
24. The relationship between the JARAP and the Police and Crime Panel requires some further consideration. Both the Panel and the JARAP have responsibilities in relationship to the delivery and development of the Police and Crime Plan. The Panel has statutory responsibilities in relation to the preparation of the Plan and any variation to it and may wish to consider whether to scrutinise the delivery of particular priorities within the Plan and to provide support to the PCC in the development of an appropriate response to priorities arising from it. The Terms of Reference of the JARAP state that “it will obtain assurance in connection with... the establishment and maintenance of an effective system of risk management, integrated governance and internal control... that supports the achievement of the objectives of the Police and Crime Plan, ensuring probity, value for money and good governance”. Whilst the JARAP may be concerned for the integrity and effectiveness of the operation of the system as a whole, members of the Panel will wish to bring their experience of the areas they represent and its people to bear upon such discussion and may wish to focus attention on particular areas.
25. Whilst therefore the approach may be different, there is a risk of some overlap or duplication of effort as between the two bodies. It would be appropriate for this to be managed carefully, not only to avoid duplication of effort but also to

reduce the risk of expectations being placed upon the PCC which are inconsistent.

26. The Panel is asked to agree that the County Solicitor be authorised to undertake further discussions with the officers supporting the JARAP with a view to developing appropriate arrangements for liaison over work plans and decision-making processes, sharing of information and consultation so that the views of one body are appropriately fed into the decision-making processes of the other, to avoid unnecessary duplication and ensure that work programmes are, so far as is appropriate, complimentary.

Recommendations

27. The Panel is requested to:-
- (a) agree that the County Solicitor be given authority in consultation with the Chairman and Deputy Chairman of the Panel to make amendments to Guidance on conducting Confirmation Hearings, Protocols for working with other authorities and procedures relating to complaints against the Police and Crime Commissioner;
 - (b) note the general principles relating to Codes of Conduct for elected members and declarations of interest as a starting point to assist members on these issues;
 - (c) agree that the Leicestershire County Council Code of Conduct apply to the independent members of the Panel;
 - (d) agree that the County Solicitor undertake further discussions to develop appropriate arrangements for liaison, sharing of information and consultation with the Joint Audit Risk and Assurance Panel for the Police and Crime Commissioner and Chief Constable.

Officer to contact

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Appendix

Appendix A – Procedures and processes for Complaints against the Police and Crime Commissioner

Arrangements for Handling Complaints against the Police and Crime Commissioner

Background

1. The Police Reform and Social Responsibility Act 2011 places the responsibility for the handling of complaints about 'the conduct of relevant officer holders' in the hands of Police and Crime Panels. Regulations made in January 2012 (the 'Complaints Regulations') deal with arrangements for the initial handling of complaints, the investigation of serious complaints (i.e. complaints alleging the commission of a criminal offence) by the Independent Police Complaints Commission (IPCC) and the resolution of other complaints by the Police and Crime Panel (the 'Panel'). Regulations made in November 2012 (the 'Delegation Regulations') allow for delegation of these functions by the Panel.

2. The Police and Crime Panel deals with complaints against 'relevant officer holders', being the Police and Crime Commissioner (PCC) and any Deputy Police and Crime Commissioners who may be appointed. The complaints must relate to 'conduct' and not, therefore, complaints about the role or responsibilities of the Commissioner, complaints about operational Police matters or relating to the quality of service which, whilst important to the PCC, are, at least in the first instance, matters for the Chief Constable.

3. The Complaints Regulations prescribe the circumstances in which a decision may be made that the complaint does not have to be handled in accordance with the processes in the regulations. (The processes to be followed by the Panel are as set out in the attached document.) Those circumstances are:-
 - (a) a complaint by a member of the PCC's staff arising from the staff member's work;
 - (b) a complaint which is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice;
 - (c) a complaint about conduct that is already the subject of another complaint;
 - (d) an anonymous complaint;
 - (e) a complaint which is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
 - (f) a repetitious complaint, i.e. one which is substantially the same as a previous complaint or concerns substantially the same conduct as a previous conduct matter.

In these circumstances, the Panel may decide not to deal with the matter in accordance with its processes as set out in the attached document, to take no action or to deal with the matter in whatever manner the Panel sees fit.

4. The Act makes it clear that the Regulations 'may not provide for the investigation of such complaints; but must provide for Police and Crime Panels to engage in informal resolution of such complaints'. The

Complaints Regulations state that, although there is no power to investigate complaints, the person complained about can be required to provide information or documents or attend to answer questions or give evidence. The complainant will also have an opportunity to comment further on the complaint made.

5. Informal resolution exists in the current complaints system for police officers, as a means of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant. That system states that:

‘Local resolution can be a proportionate, timely and effective way of resolving many complaints. It is a simple and flexible way for people to tell the police what happened and find out why it happened. The complainant’s acceptance of the outcome should be the objective of any local resolution process.’
6. The Complaints Regulations make provision for the Panel delegating all or any of its powers and duties under those Regulations, with the exception of informal resolution, to the Chief Executive of the Police and Crime Commissioner. The Delegation Regulations allow for delegation of all of the responsibilities in relation to complaints to a Subcommittee or ‘an officer of any local authority in the Police area’.
7. The Complaints Regulations also contain provisions relating to obtaining and preserving evidence relating to the conduct in question, referral to the IPCC, referral from the IPCC to the Panel and general obligations in relation to notification and recording of complaints.
8. The Local Government Ombudsman (LGO) has jurisdiction over Police and Crime Panels and any complaints process should have regard to LGO guidance and principles. The LGO states that the principles for effective complaint handling are: accessibility; communication; timeliness; fairness; credibility; and accountability. The fundamental purpose of a complaints system is to put right what has gone wrong and to learn from it.
9. It was agreed at the meeting of the Panel on 20 December that the first point of contact for receiving a complaint should be the County Solicitor and that the Chairman and Vice-Chairman act as second or reserve points of contact.
10. It was also agreed that the County Solicitor should have authority to make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether (1) a complaint has been made which requires resolution under the complaints procedures; (2) that complaint should be referred to the Independent Police Complaints Commission; (3) the complaint should be subject to the informal resolution process; and (4) to make arrangements for the process of informal resolution.
11. The Panel delegated authority to the County Solicitor, in consultation with the Chairman and Vice-Chairman, to:
 - i. resolve complaints informally, or

- ii. arrange for a meeting of a sub-committee to be drawn from the full membership of the Panel, to resolve complaints informally.

Process for handling complaints against the Police and Crime Commissioner (PCC) and any Deputy Police and Crime Commissioner (DPCC) that may be appointed.

Initial complaint handling

1. The Police and Crime Panel (the 'Panel') will publish on its website details of this complaints process, including the contact details of the County Solicitor as the person to whom complaints should be directed and a complaint form. This can be found at: www.leics.gov.uk/policeandcrimepanel.htm.
2. The Office of the Police and Crime Commissioner (OPCC) will publish on its website and provide to members of the public who request the information, the name and address of the County Solicitor as the person to whom complaints should be directed.
3. All complaints will be received in the first instance by the County Solicitor (or, in his absence, the Chairman or Vice-Chairman of the Panel) and a record (the 'complaints database') of all complaints, purported complaints and conduct matters received will be maintained. Complaints should be submitted in writing or by completing the online form.
4. The County Solicitor, in consultation with the Chairman of the Panel (or Vice-Chairman) if appropriate, will consider such reports and decide whether: (a) a complaint has been made which requires resolution under the complaints procedures; (b) that complaint should be referred to the Independent Police Complaints Commission (IPCC); (c) the complaint should be subject to the informal resolution process; and (d) to make arrangements for any process of informal resolution. The complainant will be notified of the outcome of this consideration.
5. If the County Solicitor considers that the complaint does not have to be handled in accordance with the processes in the regulations, because it falls into one of the following categories:
 - (a) a complaint by a member of the PCC's staff arising from the staff member's work;
 - (b) a complaint which is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice;
 - (c) a complaint about conduct that is already the subject of another complaint;
 - (d) an anonymous complaint;
 - (e) a complaint which is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
 - (f) a repetitious complaint, i.e. one which is substantially the same as a previous complaint or concerns substantially the same conduct as a previous conduct matter;

the County Solicitor, in consultation with the Chairman or Vice-Chairman of the Panel, as appropriate, will decide what action to take, if any. The County Solicitor will notify the complainant of that decision and the grounds on which that decision was made and also of their right to complain to the Local Government Ombudsman (LGO).

6. If a complaint is not considered to be a matter for this Complaints Process and does not need to be referred to the IPCC but should be referred to another body, the County Solicitor will make that referral and inform the complainant of this decision and the grounds on which it was made and also of their right to appeal to the LGO.
7. If the complaint is a matter for this Complaints Process, a copy of the record of the complaint will be supplied to the complainant and, if appropriate, to the person complained against. A decision not to disclose the complaint to the person complained about shall be made by the County Solicitor, in consultation with the Chairman of the Panel (or Vice-Chairman) if appropriate.
8. The County Solicitor will also be responsible for other actions at the initial stage of the complaints process, including:
 - (a) Liaison with the OPCC and IPCC to ensure that complaints are identified to the Panel and that the Panel is informed of any and all matters falling within the provisions of the Complaints Regulations.
 - (b) Securing that all steps as are appropriate and within the scope of the powers of the Panel are taken for obtaining and preserving evidence relating to the incident in question.
 - (c) Ensuring that arrangements for recording complaints and conduct matters (including those arising in civil proceedings), for notification to another Police and Crime Panel, if that is the relevant body to consider a complaint, and for referral to the IPCC are established and followed.
9. In discharging these responsibilities, the County Solicitor will maintain a Complaints Database of every complaint or purported complaint made to the Panel, every conduct matter recorded by it and every exercise of a power or performance of a duty under the relevant regulations.

Withdrawal of complaints

10. The complainant can withdraw or discontinue their complaint by providing a signed written notification. This will be recorded on the Complaints Database and the relevant parties notified.
11. If written notification was not provided, the County Solicitor will write to the complainant to ascertain if he or she wishes to withdraw the complaint. If the complainant responds and indicates that they do wish to withdraw the complaint, or, if there is no response within 21 days, the complaint will be treated as if a signed written notification of withdrawal has been received.

12. If the original complaint was serious enough to be considered a conduct matter and appropriate for referral to the IPCC, the Panel may decide that the complaint should not be treated as withdrawn but rather continue with the referral. This decision will be made by the County Solicitor in consultation with the Chairman of the Panel.
13. If the complaint has already been referred to the IPCC (and not yet referred back to the Panel), the IPCC will be notified by the County Solicitor of the withdrawal. The IPCC will then determine if the withdrawn complaint should be treated as a conduct matter and will inform the Panel of its decision.

Investigation of complaints

14. It should be noted that, under Regulation 28(7), a complaint cannot be formally investigated; in particular, the Panel cannot seek corroborating witness statements. However, the person complained against can be required to provide information or documents, or appear before the Panel or a sub-committee of the Panel. That person will be offered the chance to comment on the complaint: should they choose not to comment, this will be recorded. The complainant will be given an opportunity to respond to any information or comment provided by the person complained against.

Informal resolution

15. Informal resolution may be conducted by the County Solicitor (in consultation with the Chairman and Vice-Chairman) of the Panel, or by a sub-committee to be drawn from the full-membership of the Panel. This flexible process will be adapted to the needs of the complainant, whose agreement with the steps to be taken will be secured, and the individual complaint. Examples of informal resolution are:
 - Resolution by telephone after the complaint has been recorded.
 - Providing information.
 - Concluding the matter through correspondence explaining the circumstances.
 - Individual communication between the complainant and the person complained about, via the County Solicitor.
 - An apology made by the person complained about.
 - A face to face meeting between the complainant and the person complained about, mediated by the County Solicitor or another person agreed by all parties.
 - Identification of 'lessons to be learnt' and changes to practice communicated and explained to the complainant.
16. A record of the procedure followed and its outcome will be made and a copy of that record sent to the complainant and the person complained against.

Publication

17. Records of complaints shall only be published if the complainant and the person complained against have been given the opportunity to make representations and, having considered those representations, the Panel is of the opinion that publication would be in the public interest.
18. The provisions of the Freedom of Information Act and Data Protection Act will apply to requests for release of information relating to complaints, including disclosure of the contents of the Complaints Database.

Appeal

19. The nature of informal resolution, without a specific penalty, does not lend itself readily to an appeal process. The LGO has jurisdiction over the Panel and as such would be the body to which a complainant will be directed if they are unhappy with how their complaint was handled.

Referral of criminal matters

20. All serious complaints or conduct matters will be referred to the IPCC within 24 hours of receipt, using IPCC Referral Form 7.1. Such complaints will first be recorded on the Complaints Database. The complainant, if there is one, and, if appropriate, the person complained against will be informed that the matter has been referred.
21. The IPCC will decide whether or not it is necessary for any such complaint or conduct matter to be investigated and will notify the Panel in writing of its decision.
22. The IPCC may determine that an investigation should be discontinued. If this happens, it may make certain directions to the Panel. If it does, the Panel will comply with any such directions.
23. If the IPCC decides a complaint or conduct matter does not need to be investigated, it will be referred back to the Panel to be dealt with. This will be notified to the complainant and the person complained against by the IPCC.
24. The Panel will provide the IPCC with any information, documents, or evidence required by it within the set timescales, wherever possible, and, if not, as soon as is practicable. The Panel will allow persons nominated by the IPCC access to any premises occupied for the Panel's purposes.
25. If matter is referred to the Crown Prosecution Service (CPS), the IPCC will notify the Panel. It will also be the IPCC that notifies the Panel and any other person entitled to be kept informed if the CPS makes a decision to bring any criminal proceedings.
26. The IPCC will publish its investigation report and send a copy to the Panel. (The harm test will be applied to the report prior to publication and disclosure

and the IPCC may delay sending out and publishing a report, or withhold part of a report, if it considers that it is necessary to do so.)

Reporting Arrangements

27. The County Solicitor will report on a bi-annual basis to the Panel on the numbers of complaints received, handled and their outcomes.

Quick Guide to the Process for Complaints against the Police and Crime Commissioner

Background

1. The Police and Crime Panel has overall responsibility for dealing with all complaints against the Police and Crime Commissioner (PCC) and any Deputy Police and Crime Commissioners (DPCC). The Panel has delegated responsibility for initial consideration of any complaints received to the Monitoring Officer of Leicestershire County Council – the County Solicitor. Serious complaints will be referred on to the Independent Police Complaints Commission (IPCC).

Notification and recording of complaints

2. You should send your complaint to the County Solicitor at Leicestershire County Council. Complaints should be made in writing: an online form is available from the Panel's website – www.leics.gov.uk/policeandcrimepanel.htm. Wherever possible, we will acknowledge receipt within 5 working days and conclude consideration within 40 working days (if dealt with through local informal resolution).
3. All complaints will be recorded and you and, if appropriate, the person complained against will be provided with a copy of that record.

Initial consideration of complaints

4. The County Solicitor, in consultation with the Chairman of the Panel (or Vice-Chairman) if appropriate, will consider your complaint and decide if it should:
 - a) be resolved using this complaints procedure
 - b) be resolved in whatever manner the Panel thinks fit
 - c) be referred to the IPCC
 - d) be referred to another body or
 - e) to take no action at all.

You will be informed of the outcome of this consideration and the reasons for the decision.

5. You should note that complaints falling into the following categories are likely to result in a decision to take no action:
 - (a) a complaint by a member of the Commissioner's staff arising from their work;
 - (b) a complaint which is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice;
 - (c) a complaint about conduct that is already the subject of another complaint;
 - (d) an anonymous complaint;

- (e) a complaint which is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
- (f) a repetitious complaint, i.e. one which is substantially the same as a previous complaint or concerns substantially the same conduct as a previous conduct matter.

Withdrawal of complaints

6. You can withdraw or discontinue your complaint at any time by notifying the Panel in writing (please address it to the County Solicitor). However, please note that, if the complaint is serious enough the Panel may decide not to treat it as withdrawn and may still refer the matter to the IPCC.

Investigation of complaints

7. Please note that the Regulations do not allow for a formal investigation, such as seeking witness statements, to be carried out by the Panel. However, the PCC (or person complained about) can be requested to provide information and documents and/or appear before the Panel (or sub-committee of the Panel) and will be offered the chance to comment on the complaint. You will then have the opportunity to respond to any such comments.

Informal resolution

8. If it is decided that a complaint should be subject to this complaints procedure, it must be dealt with by informal resolution: a flexible process that may be adapted to the needs of the complainant and the individual complaint.
9. Depending on the individual circumstances, the informal resolution may be conducted by the County Solicitor or by a sub-committee of the Panel.
10. Examples of information resolution are:
 - Resolution by telephone after the complaint has been recorded.
 - Providing information.
 - Concluding the matter through correspondence explaining the circumstances.
 - Individual communication between the complainant and the person complained about, via the County Solicitor.
 - An apology made by the person complained about.
 - A face to face meeting between the complainant and the person complained about, mediated by the County Solicitor or another person agreed by all parties.
 - Identification of 'lessons to be learnt' and changes to practice communicated and explained to the complainant.
11. A record of the procedure followed and its outcome will be made and a copy of that record sent to you and, if appropriate, the person complained against.

Publication

12. Records of complaints shall only be published if the complainant and the person complained against have been given the opportunity to make representations and, having considered those representations, the Panel is of the opinion that publication would be in the public interest. However, the decision reached and the subject matter of the complaints may be published at a later date, in the light of the requirements of the Freedom of Information or Data Protection legislation.

Appeal

13. The nature of informal resolution, without a specific penalty, does not lend itself readily to an appeal process. However, the activities of the Panel fall under the jurisdiction of The Local Government Ombudsman (LGO) and, if you are unhappy with how we have handled your initial complaint, you can complain to them - www.lgo.org.uk/.

Referral of criminal matters

14. All serious complaints or conduct matters (i.e. those that might involve the commission of a criminal offence) will be referred to the IPCC within 24 hours of receipt. Such complaints will first be recorded on the Complaints Database. The complainant, if there is one, and, if appropriate, the person complained against will be informed that the matter has been referred.
15. The IPCC will decide whether or not it is necessary for any such complaint or conduct matter to be investigated.
16. If the IPCC decides a complaint or conduct matter does not need to be investigated, it will refer it back to the Panel to deal with it. The IPCC will keep you inform the person complained against informed of this.
17. If the matter is referred to the Crown Prosecution Service (CPS) and they decide to prosecute, the IPCC will notify the Panel and any other person entitled to be kept informed.
18. The IPCC will publish any investigation report and send a copy to the Panel. This will be subject to the IPCC's 'harm test' prior to any such publication and, if it considers that it is necessary to do so, it may delay publishing or withhold part of a report.

Reporting Arrangements

19. The County Solicitor will report on a bi-annual basis to the Panel on the numbers of complaints received, handled and their outcomes.

Further information can be found in the Process for handling complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner that may be appointed, at www.leics.gov.uk/policeandcrimepanel.htm.

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**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL - 26 JUNE 2013**

MEMBERSHIP OF THE POLICE AND CRIME PANEL

REPORT OF THE COUNTY SOLICITOR

Purpose

1. The purpose of this report is to advise the Panel of the consequences of the elections to Leicestershire County Council on the political balance of the Panel and to recommend that no change be made to the current membership arrangements.

Background

2. The Police Reform and Social Responsibility Act 2011 requires that local authorities comprising the Panel should “secure that (as far as is reasonably practicable) the balanced appointment objective is met”.
3. That objective is defined as being that “local authority members of a Police and Crime Panel (when taken together) –
 - (a) represent all relevant parts of the police area;
 - (b) represent the political make up of the relevant local authorities (when taken together);
 - (c) have the skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively”.
4. At the meeting of the Panel on 23 November 2012, the Panel concluded that in addition to the statutory membership, of one member from each constituent authority and two independent members, three co-opted members should join the Panel from Leicester City Council with a view to establishing a Panel that better reflected the populations served by the Leicestershire and Rutland Police Force and the political balance rules. As a consequence, the current membership comprises:-
 - (a) 7 Conservative members drawn from ruling groups in the constituent authorities
 - (b) 4 Labour members from Leicester City Council, 1 by operation of law and 3 co-opted
 - (c) 2 Liberal Democrat members drawn from the ruling groups in constituent authorities.
5. Where a Panel co-opts local authority members, the Panel must notify the Home Office of their names and of the local authority of which they are a member. The Panel must also explain the reasons for deciding that co-opting

these individuals will help it meet, or better meet, the balanced appointment objective.

Leicestershire County Council Elections: May 2013

6. Following the County Council elections in 2009, the 55 seats at the County Council were taken by 36 Conservatives, 14 Liberal Democrats, 4 Labour and 1 BNP member. Prior to the County Council elections in May 2013, the composition of the County Council was : 33 Conservatives, 14 Liberal Democrats, 4 Labour, 2 UKIP and 2 Independents (not in a group). The outcome of the May 2013 election is: 30 Conservatives, 13 Liberal Democrats, 10 Labour, 2 UKIP.

The Political Balance Across the Authorities

7. The authorities across the police area forming the Panel have been contacted in order to establish up to date details of their membership. These are set out in full on the attached table. It is to be noted that a by election is due to take place in Rutland. Subject to the outcome of that election, the overall position is not greatly changed. Despite a reduction in the overall number of Conservative and Liberal Democrat members, the number of Labour members has not increased by a corresponding amount and the number of members in smaller or independent groups has nearly doubled from 12 overall to 23 out of the total number of seats (388) in the area (around 6% of the total). The analysis in the attached table contains more information about the membership of independent groups across the authorities.
8. Given the overall position as set out in the attached note with regard to political balance and the population distribution across the area, it is proposed that there should be no change in the composition of the Police and Crime Panel at the present time.

Recommendation

9. The Panel is asked to agree that the composition of the Panel remain as agreed at the Panel meeting on 23 November 2012.

Officer to Contact

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Appendix

Appendix A – Political Balance charts

POLICE AND CRIME PANEL
POLITICAL BALANCE IN LOCAL AUTHORITIES – MAY 2013

Appendix A

	Cons		Lab		Lib		UKIP	RAC	Ind Grps	Oth		Total
	May 2013	Prev	May 2013	Prev	May 2013	Prev	May 2013	May 2013	May 2013	May 2013	Prev	
City	1	1	52	52	1	1						54
County	30	36	10	4	13	14	2				1	55
Rutland	16*	17			2	2		3		4	7	25*
O&W	2	3			22	23				2		26
Harb	27	27			9	10				1		37
Melton	18	20	5	7					4	1	1	28
H&B	14	14	1	1	19	18					1	34
Charn	34	33	14	16	1	1				3	2	52
Blaby	26	28	6	6	5	5			2			39
NWL	20	21	16	16	1	1				1		38
Total	188	200	104	102	73	75	2	3	6	12	12	388
%	48.45	51.42	26.80	26.22	18.81	19.28	0.52	0.77	1.55	3.09	3.08	

* Vacancy (vice Roper): Election on 27 June

The population distribution across the City, County and Rutland (from the 2011 Census):

	Population	%
Leicester City	329 000	32
County	650 000	64
Rutland	37 000	4

10 Members (Statutory Minimum) – Leader or nominee. Not politically balanced

Conservative:

County
Rutland
Harborough
Melton
Blaby
North West Leics
Charnwood

Labour:

City

Liberal Democrat:

Oadby & Wigston
Hinckley & Bosworth

	Conservative	Labour	Lib Dem	Total
Statutory	7	1	2	10
%	70%	10%	20%	
Co-opted to achieve better balance		+3		
Total	7	4	2	13
Political %	53.85%	30.77%	15.38%	
	County	City	Rutland	
	8	4	1	13
%	61.53	30.77	7.69	

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**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL**

ALLOWANCES FOR INDEPENDENT MEMBERS OF THE PANEL

REPORT OF THE COUNTY SOLICITOR

Purpose

1. The purpose of this report is to enable the Panel to consider whether or not allowances should be paid to the two co-opted members of the Panel who are independent of the local authorities which constitute the Panel.

Constitutional Arrangements

2. The legislation requires that Panel arrangements be agreed which may include provision for the payment of allowances.
3. The Panel arrangements agreed by the Leicester, Leicestershire and Rutland Panel state:-

“Payment of expenses and allowances, if applicable, for elected members will be a matter for the nominating authority. A scheme of expenses and allowances for the two independent co-opted members will be established by the Panel and administered by the host authority.”

4. Provision is made within the Home Office grant available for the operation of the Panel for payment of expenses and allowances for Panel members.

Discussion

5. The information provided to candidates applying to become independent members of the Panel did not provide any guarantee to the successful candidates that any allowance would be paid but indicated that the Panel consider this issue.
6. Experience to date has been that the suggestion originally made by the Home Office prior to the establishment of the Panels that it would be likely they would not need to meet more than four times a year was erroneous; members of the Panel considered that a minimum of six times a year was more realistic and since its establishment in November 2012, this Panel has met on four occasions within six months. It was always understood that it was likely that the Panel would have to undertake a considerable workload from the outset with the establishment of new constitutional arrangements and the first Police and Crime Plan. However, it is likely that given the financial situation and the understanding that revisions will be made to the Plan and the Police and

Crime Commissioner's budget, further meetings will be needed in late summer and/or early autumn. Preparation for meetings may involve considering a substantial volume of documentation, particularly in regard to the Police and Crime Plan.

7. If the Panel is minded to consider a payment of an allowance for independent members, it may be appropriate to seek the views of the Leicestershire County Council Independent Remuneration Panel.

Recommendation

8. The Panel is asked to consider whether an allowance should be payable to the independent co-opted members of the Panel.

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