



*Meeting:* **Leicester, Leicestershire and Rutland Police and Crime Panel**

*Date/Time:* **Tuesday, 3 October 2017 at 10.00 am**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Euan Walters (Tel: 0116 305 6226)**

*Email:* **euan.walters@leics.gov.uk**

### **Membership**

Mr. J. T. Orson JP CC (Chairman)

Cllr. John Boyce	Col. Robert Martin OBE, DL
Cllr. Lee Breckon, JP	Cllr. Abdul Osman
Cllr. Ruth Camamile	Cllr. Trevor Pendleton
Mrs. Helen Carter	Cllr. Michael Rickman
Cllr. Stephen Corral	Cllr. David Slater
Cllr. Ratilal Govind	Cllr. Manjula Sood, MBE
Cllr. Malise Graham	Cllr. Alan Walters

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at [www.leicestershire.gov.uk](http://www.leicestershire.gov.uk)  
– Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 26 July 2017.	(Pages 3 - 8)
2. Public Question Time.	
3. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
4. Declarations of interest in respect of items on the agenda.	



5. Any other items which the Chairman has decided to take as urgent.
  
6. Statement from the Police and Crime Commissioner in response to the HMIC report - Leicestershire Police: Crime Data Integrity inspection 2017. (Pages 9 - 26)
  
- A statement will be read out by Lord Bach at the meeting and Members will have the opportunity to ask questions.
  
7. Deputy Police and Crime Commissioner for Leicestershire Update.  
  
An oral update will be provided by the Deputy PCC Kirk Master.
  
8. Update on 101 and 999 telephone services. (Pages 27 - 30)
  
9. Operation Darwin. (Pages 31 - 36)
  
10. Independent Members of the Police and Crime Panel. (Pages 37 - 66)
  
11. Venues of Police and Crime Panel Meetings. (Pages 67 - 70)
  
12. Date of future meetings.

Future meetings of the Panel are scheduled to take place on the following dates all at 1:00pm:

Tuesday 5 December 2017;  
Wednesday 31 January 2018;  
Wednesday 28 March 2018;  
Friday 8 June 2018;  
Wednesday 25 July 2018;  
Wednesday 19 September 2018;  
Wednesday 12 December 2018.

Minutes of a meeting of the Leicester, Leicestershire and Rutland Police and Crime Panel held at City Hall, Leicester on Wednesday, 26 July 2017.

PRESENT

Mr. J. T. Orson JP CC (in the Chair)

Cllr. Lee Breckon, JP  
Mrs. Helen Carter  
Cllr. Ratilal Govind  
Cllr. Mike Hall  
Col. Robert Martin OBE, DL

Cllr. Trevor Pendleton  
Cllr. Michael Rickman  
Cllr. Piara Singh Clair, MBE  
Cllr. Manjula Sood, MBE  
Cllr. Alan Walters

Apologies

Cllr. John Boyce, Cllr. Ruth Camamile, Cllr. Stephen Corrall, Cllr. Malise Graham, Cllr. Abdul Osman and Cllr. David Slater.  
Cllr. Kevin Loydall and Cllr. Alan Pearson had been nominated to attend as substitutes but they also gave their apologies.

In attendance

Lord Willy Bach, Police and Crime Commissioner  
Kirk Master, Deputy Police and Crime Commissioner  
Angela Perry, Head of Governance and Assurance, OPCC  
Simon Down, Commissioning Manager, OPCC

75. Minutes of the previous meeting.

The minutes of the meeting held on 22 May 2017 were taken as read, confirmed and signed.

76. Public Question Time.

There were no questions submitted.

77. Urgent Items.

There were no urgent items for consideration.

78. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Col. Robert Martin declared a personal interest in respect of all substantive items as the Trustee of "Warning Zone" which was in receipt of some funding from the Police and Crime Commissioner.

Cllr. M. Sood declared a personal interest in respect of all substantive items as a member of the Police's Independent Advisory Panel, as the Chairman of the Leicester Council of Faiths and a member of the Bishop's Faith Forum.

79. Independent Members of the Police and Crime Panel.

The Chairman sought and obtained the agreement of Members to defer this item to the next meeting of the Panel due to the amount of Members who had given their apologies for this meeting.

80. Update on appointment of a Chief Executive for Office of the Police and Crime Commissioner

The PCC gave an oral update on progress with appointing a new Chief Executive for the Office of the Police and Crime Commissioner. The PCC informed that a recruitment process had been carried out and the post had been advertised in several different forums including The Guardian newspaper, the Jobs Go Public website, and through the Association of Police and Crime Commissioners. There had been 17 applicants for the post, of which 5 were shortlisted for interview and psychometric testing. The interview Panel included the Chief Constable, the Director of Human Resources at Leicestershire Police and a member of the Ethics, Integrity and Complaints Committee. At the end of the recruitment process a decision had been taken not to appoint any of the shortlisted candidates and therefore a new recruitment process would be undertaken. The role would be re-advertised the following week and it was intended that an appointment would be made in September 2017.

In response to a question from the Chairman the PCC explained that The Guardian newspaper had been chosen to advertise the post as it had a reputation for advertising public service jobs, not for any political reasons.

RESOLVED:

That the contents of the oral update be noted.

81. Annual Report of Police and Crime Commissioner.

The Police and Crime Panel considered a report of the Police and Crime Commissioner which presented his Annual Report for 2016/17. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

In introducing the report the PCC highlighted the following:

- (i) The report covered the period March 2016 to March 2017 and his predecessor Sir Clive Loader had set the budget for that period.
- (ii) With regard to an error in the report the PCC clarified that he came into office on 12 May 2016, he was not elected on that date.
- (iii) Decisions had been made on who would be the successful applicants for small grants from the PCC's Prevention Fund which aimed to help voluntary and third sector groups support the public safety goals in the Police and Crime Plan and confront pressing community issues. However, those who would receive the funding had not been informed yet and the announcement would be made shortly.

- (iv) Government Ministers had visited the Braunstone Blues project and been impressed, however decisions needed to be made regarding the future funding of this project as the funding would cease at the end of the 2 year trial period.
- (v) The PCC had agreed to invest in CARA (Conditional Cautioning And Relationship Abuse), a project designed to break the cycle of domestic abuse.

Arising from discussions the following points were noted:

- (i) In response to questions the PCC agreed to produce a further report for a future meeting of the Panel regarding the Youth Commission and in particular the demographics of its members. The Chairman stated that it would be helpful for the Panel to be able to speak to some members of the Youth Commission and he invited the PCC to bring some Youth Commission members along to a future Panel meeting.
- (ii) The PCC had not received a response from the Government to his representations regarding fairer funding for Leicestershire Police, however, he was hopeful that the new Policing Minister Nick Hurd MP appreciated the importance of resolving funding inequalities. The PCC was also aware that a lot of work was going on nationally to impress on the Home Office the perilous nature of the issue. The PCC and the Chief Constable had written to The Guardian newspaper regarding funding cuts and their letter had been published in that newspaper on 28 June 2017. All new Members of Parliament for Leicestershire had been invited to a meeting with Leicestershire Police to discuss funding cuts however only 2 of those MPs attended. However, the PCC had met with Nicky Morgan MP two weeks previously and a meeting was arranged with Neil O'Brien, the new MP for Harborough, Oadby and Wigston, for the following week.
- (iii) In response to a question regarding whether all of the cuts to the Leicestershire Police budget were due to reduced funding from central government the PCC said that whilst there had been a need within Leicestershire Police for efficiency savings, police numbers would not have had to go down by 23% if the funding provided by the government had been reasonable.
- (iv) Clarification was given that whilst the figures in the table on page 15 of the agenda pack appeared to show that 101 call volumes had gone down compared to the previous year, this was because the table did not include April, May, June and July of 2017 and in fact the call volumes were going up. The figures for June 2017 were particularly high. The PCC stated that whilst significant reforms were underway with the 101 telephone service, positive results were not yet evident and he was not yet satisfied. It was agreed that the PCC would produce a report on the 101 and 999 telephone services for the next meeting of the Panel.
- (v) In response to a question from a Member the PCC agreed to look into the reasons behind the increase of Anti-Social Behaviour in spring and summer months. The PCC highlighted the good partnership work which was ongoing in Leicestershire to tackle Anti-Social Behaviour.

RESOLVED:

- (a) That the contents of the report be noted;

- (b) That the PCC be requested to produce reports on the Youth Commission, and the 101 and 999 telephone services, for the next meeting of the Panel.

82. Knife Crime in Leicestershire.

The Police and Crime Panel considered a report of the Police and Crime Commissioner which provided an update on how knife crime was being tackled in Leicestershire. The report was presented by the Deputy PCC Kirk Master. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

The following points arose from discussions:

- (i) It was questioned whether Victim First needed to carry out more work to discourage victims from carrying knives. The Deputy PCC agreed to give this consideration.
- (ii) In response to questions the Deputy PCC agreed to provide information to the Panel on the demographics of people involved in knife crime to see whether work needed to be carried out with particular communities to raise awareness and tackle the issue.
- (iii) In response to a suggestion that learning packages on knife crime could be developed for Personal and Social Education lessons in secondary schools, the Deputy PCC confirmed that Leicestershire Police were giving this consideration and it had been suggested that the lessons could be conducted by other members of the community with more influence on young people rather than just police officers. A Panel member also suggested that the lessons could include First Aid training for injuries caused by knives and the Deputy PCC stated he was in support of this idea. Reassurance was given that Schools Forums in Leicester City and Leicestershire County were being consulted to make sure there were no objections to these proposals.

RESOLVED:

- (i) That the multi-agency approach taken locally to tackle the increase in knife crime in LLR, which reflects the increase nationally be noted;
- (ii) That the communications messages that Leicestershire Police are producing by raising awareness internally and externally to maximise the reach of the messages be supported;
- (iii) That the preventative activity particularly deployments into schools and organisations for young adults to maximise the consequence messages around knife crime be supported;
- (iv) That the activity of the multi-agency pursue panel in dealing with those causing or likely to cause most harm through their criminal activities be supported.

83. Progress on addressing issues raised in HMIC report - PEEL: Police effectiveness 2016.

The Police and Crime Panel considered a report of the Police and Crime Commissioner which provided an update on progress with addressing the issues raised in the HMIC

report – PEEL: Police effectiveness 2016. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

84. Victim First Update.

The Police and Crime Panel considered a report of the Police and Crime Commissioner which provided an update on progress with re-commissioning the Victim First service. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That the PCC be requested to provide a further report on Victim First for the next meeting of the Panel.

85. Ethics Committee Annual Report 2015/16.

The Police and Crime Panel considered a report of the Police and Crime Commissioner which presented the Ethics, Integrity and Complaints Committee Annual Report 2015/2016. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Arising from discussions the following points were noted:

- (i) The Ethics, Integrity and Complaints Committee had decided to include the Ethical Scenarios in the report for public transparency reasons.
- (ii) When carrying out 'dip sampling' of complaints files the Committee were provided with a list of numbers from which they chose at random and they would then be provided with the files corresponding with the numbers they had chosen. Usually 30 to 40 files would be chosen on each occasion. On some occasions the Committee would chose a theme such as disability to focus on.
- (iii) Many of the members of the Ethics, Integrity and Complaints Committee worked at universities. In an attempt to broaden the demographics of the Committee additional recruitment had been carried out which resulted in 2 female members of the Panel being added however the majority of the applicants for the role had been of a university background.

RESOLVED:

That the contents of the report be noted.

86. Date of next meeting.

RESOLVED:

That the next meeting of the Panel would be held on 28 September 2017 at 1:00pm.

CHAIRMAN  
26 July 2017



# Leicestershire Police: Crime Data Integrity inspection 2017

**Please note:** This inspection was carried out before 19 July 2017, when HMIC also took on responsibility for fire & rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services. The methodology underpinning our inspection findings is unaffected by this change.

References to HMICFRS in this report may relate to an event that happened before 19 July 2017 when HMICFRS was HMIC.

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  4. [Cancelled crimes](#)
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## Overall judgment

● ○ ○ ○ Inadequate

The integrity of the crime-recording arrangements in Leicestershire Police has deteriorated since [HMICFRS' 2014 Crime Data Integrity inspection report](#).

The force has made insufficient progress with implementing and sustaining changes recommended in our 2014 report which is seriously undermining the effectiveness and efficiency of its crime-recording arrangements.

However, we found that:

- the majority of officers and staff have made progress in placing the victim at the forefront of their crime-recording decisions;
- its victim support service ([Victim First](#)) is well-established, providing victims of recorded crime with access to support services to which they are entitled; and
- it has recently changed its scheduling of diary appointments for victims of crime, which it intends will improve the time taken to respond to those victims whose reports do not require an urgent response.

Nonetheless, much more remains to be done. Based on the findings of our examination of crime reports for the period 1 August 2016 to 31 January 2017, [we estimate that the force fails to record over 21,200 reported crimes each year](#). This represents a recording rate of 75.8 percent (with a confidence interval of +/- 1.94 percent). The 24.2 percent of reported crimes that go unrecorded include serious crimes such as sexual offences and domestic abuse. The recording rate for violent crime is a particular cause of concern at only 65.8 percent (with a confidence interval of +/- 3.25 percent). This means that on far too many occasions, the force is failing victims of crime.

Immediate improvements must be made. In particular, we consider that there are too many failures to make the correct crime-recording decision at the first opportunity. These failures are often due to poor crime-recording processes and an insufficient understanding of crime-recording requirements by officers and staff, compounded by limited supervision to correct these decisions at the earliest opportunity and the absence of effective auditing of crime-recording decisions.

## Summary of inspection findings

The force has not maintained the standards of crime-recording accuracy reported in our 2014 report. However, we found that:

- some progress has been made against the recommendations following the 2014 report. This includes improvements to the force's use of [out-of-court disposals](#) (e.g. cautions and community resolutions); and
- the force has made good progress in developing an understanding of modern day slavery offences among officers and staff.

Despite these advances, the force's performance in respect of crime recording is unacceptable in the following areas:

- The force is currently under-recording too many reports of crime, including:
  - violent crimes;
  - reports of rape; and
  - other sexual offences.

The force needs to act promptly to improve the accuracy of its recording of these reports and to provide all victims with the service to which they are entitled and deserve.

- The force has made insufficient progress with implementing changes recommended in the 2014 report.
- Incidents which have been disclosed directly to public protection teams as part of multi-agency safeguarding arrangements, and which amount to a crime in law, are not always recorded as such.
- Delays to the recording of a reported crime are leading to delays in the referral of victims to the force's victim care service (Victim First), letting down those victims who need the early support this team can provide.
- Internal crime-recording audits are not being conducted in accordance with national standards and consequently they are providing an incorrect picture to senior managers of the effectiveness of crime-recording arrangements in the force.
- The force must improve the extent to which it collects information regarding the effect of criminality on identifiable groups within communities.

Some of these failings are a consequence of the force not maintaining effective and efficient oversight of crime-recording arrangements. In addition, there is limited supervision of the crime-recording decisions taken by officers and staff, and insufficient progress has been made to ensure officers and staff understand their crime-recording responsibilities.

Senior leaders of the force have also concluded that a change in the crime-recording system, moving to NICHE, and a change in the force operating model designed to produce savings, have affected negatively the service provided to the public in respect of accurate crime recording and has resulted in the degradation of data quality.

We note, however, that the force has recently improved its scheduling of non-urgent diary appointments to see victims of crime; as a consequence all such appointments should take place within 24 hours of the report of a crime. This is a welcome development.

### **Cause of concern**

In Leicestershire Police there is a failure of officers and staff to make correct crime-recording decisions at the first opportunity. This is due to deficiencies in the force's crime-recording processes, insufficient understanding of crime-recording requirements and limited supervision to correct the decisions of officers and staff and improve standards from the outset. This means that the force is letting down many victims of crime.

The force is failing to ensure it adequately records all reports of rape, other sexual offences and violence, including domestic abuse crimes and crimes reported directly to its public protection department. In addition, on many occasions, it is incorrectly using classification [N100](#).

### **Recommendations**

- Immediately, the force should review the operating arrangements of its contact management department, including the use of appointments, and ensure that these arrangements secure the recording of all reported crimes at the first point of report when sufficient information exists to do so and in any event within 24 hours of receipt of the report.
- Immediately, the force should take steps to identify and address gaps in its systems and processes for identifying and recording all reports of crime. This work should include a review of the means by which the investigation management unit (IMU) identifies crimes needing to be

recorded, and also provide a consistent and structured approach to call-handling quality assurance processes that includes checking compliance with the [National Crime Recording Standards](#).

- Immediately, the force should take steps to ensure that reports of crime received in respect of vulnerable adults and children from other agencies or disclosed during investigation are recorded as crimes at the point of reporting.
- Immediately, and in accordance with the crime-recording rules, the force should transfer to the force crime registrar (FCR) the responsibility for the development and oversight of the crime-recording audits conducted within the force, and ensure that these audits are conducted in accordance with national standards.
- Within three months, the force should develop and implement procedures for the effective supervision of crime-recording decisions throughout the whole force.
- Within three months, the force should put in place arrangements to ensure that:
  - **at the point of report**, greater emphasis is placed on the initial account of victims; and
  - where more than one crime is disclosed within an incident record, or is identified as part of other recorded crime investigations, these are recorded.
- Within six months, the force should design and provide training for all staff who make crime-recording decisions. This should include training in regard to:
  - the extent of the information required to provide for a crime-recording decision to be made;
  - the expectation that reported crime is recorded at the first point that sufficient information exists to record a crime, which in the majority of cases will be at the point of report;
  - the importance of believing the first account of the victim;
  - the proper use of classification N100 for reports of rape and recording crimes of rape involving multiple offenders and from third party reports;
  - offences involving the public order act, malicious communications, harassment and common assault; and

- the additional verifiable information required in order to make crime-cancellation decisions.

### Areas for improvement

- The force should immediately improve how it collects diversity information from victims of crime and how it uses this to inform its compliance with its equality duty.
- The force should immediately take steps to ensure that all modern slavery and other offences disclosed during modern slavery investigations are recorded.
- The force should immediately put in place arrangements to improve the process for informing victims when their recorded crime has been cancelled.

## How effective is the force at recording reported crime?

● ○ ○ ○ Inadequate

### Overall crime-recording rate

**75.8% of reported crimes were recorded**

**Over 21,200 reports of crime a year are not recorded**

The force has considerable work to do in order to ensure it records all reports of crime in accordance with the [Home Office Counting Rules](#) (HOCR). We examined reports of crime which the force received, and for which an [auditable record was created](#). The force informed HMICFRS that all crime that is recorded (excluding fraud) came through an auditable crime reporting route.

We found that the force recorded 75.8 percent of these crimes (with a confidence interval of +/- 1.94 percent). [We estimate that this means the force is not recording over 21,200 reports of crime each year](#). Those failings are depriving many victims of the services to which they are entitled and are a cause of concern.

Of a total of 1,781 reports of crime that we audited, we found 454 that we assessed to be crimes related to domestic abuse. Of these 454 crimes, the force had recorded 311. The 143 offences not recorded included a serious assault, offences of violence and crimes involving harassment and malicious communications.

We found that many of these reports involved the reporting of a crime at the first point of contact with the force, but these crime reports went unrecorded with little rationale to explain why. We also found that many officers attending reports of crime believed incorrectly that if a victim reported a crime but did not want any formal action taking, there was no need to record the crime. All reports of crime should be recorded irrespective of the subsequent action sought by the victim. Doing so enables the force to understand clearly the extent and types of crime being committed against its communities and to then use its resources efficiently and effectively to respond to that demand. It also enables the force to understand more fully those crimes previously reported by individual victims. This may assist the force to provide the most appropriate response in the future, including in respect of the victim's safeguarding needs.

We found that the force had correctly identified at the outset that it was dealing with a domestic abuse report in virtually every domestic abuse case, and that safeguarding requirements were considered in the majority of these cases, but not all. We also found that no investigation was undertaken in the majority of these reports of crime, thereby increasing the potential risk of harm to the victim.

The absence of understanding of the extent of domestic abuse crime, the under-recording of crimes related to domestic incidents, and the failure to provide a satisfactory service to these victims are a serious concern. This is because domestic abuse often involves victims who are particularly vulnerable to further offences being committed against them.

Factors contributing to the force's under-recording of crime reports are its crime-recording processes, its workforce's crime-recording knowledge and the limited capacity of supervisors to provide effective oversight of crime-recording decisions.

Deficiencies in the force's crime-recording processes are a concern. In particular, we found that:

- when further offences come to light after the initial deployment or during subsequent investigation, the force does not always record reported crimes;
- incident records that contain multiple reports often result in only one crime report being recorded;

We found that IMU staff and frontline officers are not always sure of crime-recording requirements. In particular:

- basic crime-recording principles and knowledge of crime-recording requirements relating to common assault, malicious communications and harassment are not always understood. For example, we found that staff were unsure of the crime-recording rules regarding common assault where there is no physical assault but there is the threat of one; and
- **at the point of report**, on occasion, when assessing whether, on the balance of probability, an offence has been committed, insufficient emphasis has been given to the initial account of the victim.

A further problem relates to the force's supervision of its crime-recording decisions. We found supervision of its crime-recording decisions requires improvement and in particular:

- supervisors do not have the capacity to scrutinise adequately all crime related incidents to satisfy themselves that crime-recording decisions are correct;
- supervisors do not have the capacity to scrutinise non-crime occurrences and crime records on the crime-recording system to satisfy themselves that crime-recording decisions are correct;
- domestic abuse incidents are not supervised adequately to ensure that sufficient and appropriate rationale for not recording a crime exists.

We also note, in concluding this section, that the FCR – responsible for ensuring the crime-recording standards are applied in accordance with the national rules, including the setting of crime-recording audit programmes in the force – is not responsible for crime-recording audits in Leicestershire Police. Additionally, she is not responsible for the methodology of the audits



completed by those who undertake this function. Consequently, we found that the audits carried out by the force and reviewed as part of this inspection have not been conducted in line with national best practice, and have wrongly reported high levels of crime-recording accuracy. This suggests that the force has, to a very serious degree, been unaware of the crime-recording issues identified by HMICFRS. The force should address this immediately.

## **Violence against the person**

### **65.8% of reported violent crimes were recorded**

### **Over 7,900 reports of violent crime a year are not recorded**

We found that only 65.8 percent of violent crimes reported to the force are recorded (with a confidence interval of +/- 3.25 percent). This is lower than the overall crime-recording rate noted above. [By our estimate, this means the force fails to record over 7,900 violent crimes that are reported to it each year.](#) As violent crime can be particularly distressing for the victim, this is an area in which the need for improvement is particularly acute.

Many of these crimes involve injury, which can cause even further distress for the victim. These included reports of grievous bodily harm. We therefore find the recording of reports of violent crime by the force to be a serious concern.

In the majority of cases, where violent crimes were not recorded, we found the principal causes to be:

- the processes currently in place for the recording of a reported crime (described earlier);
- officers and staff not understanding adequately the crime-recording rules, particularly around the complexities of some violence offences such as harassment, malicious communications and the more straightforward offence of common assault. This results in the failure to record many such reports of crime; and
- an absence of adequate supervision and satisfactory audit of crime-recording decisions.

Victims of violent crime and, in particular, victims of more serious violence, often require substantial support. This support should come not only from the reporting and investigating officers, but also, possibly, from the force's victim support service, Victim First. Under those circumstances, crime recording

takes on a heightened importance. Failing to record properly a violent crime can result in Victim First receiving no notification that a person has become a victim of violent crime. That in turn, deprives victims of the support they need and deserve.

## **Sexual offences**

**79.4% of reported sex offences were recorded**

**Over 400 reports of sex offences a year are not recorded**

The force's recording of reports of sexual offences (including rape), is a cause of concern. We found that the force records 79.4 percent of sexual offence crimes that are reported to it (with a confidence interval of +/- 3.35 percent). [We estimate that this means the force fails to record over 400 reported sexual offence crimes each year.](#)

Those failings are significant given the very serious nature of sexual offences and the harm they cause to their victims. We found, for example, that the force failed to record reports of sexual assault against both adults and children, sexual offences committed online or using social media, and incitement of children to commit a sexual act.

The causes of that under-recording are similar to those described earlier:

- the deficiency of the processes that are currently in place for the recording of a reported crime;
- officers and staff not understanding adequately the crime-recording rules;
- an absence of adequate supervision and satisfactory audit of crime-recording decisions; and
- on occasion, when assessing whether, on the balance of probability, an offence has been committed, insufficient emphasis on the account of the victim, particularly where the victim does not wish to pursue any prosecution, where the victim is intoxicated or where the person reporting the crime is a professional third party acting on their behalf.

We also found that some officers were reluctant to record some types of crime that young people may have committed. They wrongly believed that this could unfairly criminalise these young people. The act of recording a reported crime does not in itself criminalise a suspect. However, it does allow for a force to

have a full understanding of crime in its area and to provide an opportunity for the appropriate intervention with a suspect, such as considering safeguarding needs as an alternative to prosecution.

Sexual offence victims require significant support from the outset. The failure to record such crimes, to provide appropriate support to the victim, or any delay in attendance or investigation will often result in a lack of confidence in the police and reluctance on behalf of the victim to engage in subsequent stages of the criminal justice system. The force must improve its performance in this respect.

## **Rape**

### **83 of 100 audited rape reports were accurately recorded**

Rape is one of the most serious sexual offence crimes a victim can experience. Therefore, the accurate recording of such reports is especially important. It helps to ensure victims receive the service they have a right to expect and deserve, and it allows the police to identify the nature and extent of sexual violence in their local area. In turn, this enables the police to operate with the highest practicable levels of efficiency to identify and deal effectively with perpetrators.

In Leicestershire Police we found 100 reports of rape that should have been recorded, but only 83 of these had been recorded. These include reports that originated on the force incident system, reports made during modern slavery investigations, and from a review of N100 records (see below).

Eight of the unrecorded crimes were disclosed while dealing with victims of modern slavery. Five were recorded as other serious sexual offences, and four had not been recorded at all.

We found that when a report of rape had not been recorded as a crime, Leicestershire Police provided support and safeguarding in all of these cases, including referrals to partner organisations when appropriate. However, we also found that on some occasions when a crime was not recorded an effective investigation was not carried out. This underpins the importance of the recording of reported crime and is wholly unacceptable.

The causes of the under-recording of these 17 crimes are the same as were identified above in respect of sexual offences. These are:

- the deficiency of the processes that are currently in place for the recording of a reported crime;
- officers and staff not understanding adequately the crime-recording rules;
- the absence of a clear policy which sets out who is responsible for recording such crimes; and
- the absence of adequate supervision and satisfactory audit of crime-recording decisions.

In addition, we found the force's use of the Home Office classification N100 was confused and inconsistent. Introduced in April 2015, the N100 is a record created to explain why reported incidents of rape or attempted rapes, whether from victims, witnesses or third parties, have not been immediately recorded as a confirmed crime. This can include instances where additional information confirms the rape did not occur, or where the rape occurred in another force area and was therefore transferred to the relevant force to record and investigate.

We found 12 reports for which an N100 classification should have been applied but it was only applied on one occasion.

Separately, we reviewed 19 sample records where an N100 classification had been used. We found that 11 were correctly recorded. Of the eight remaining N100s:

- two had later correctly been recorded as rape crimes;
- two should have been recorded as rape crimes but had remained as N100;
- two had been recorded incorrectly as rape crimes but should have stayed recorded as N100; and
- two should not have been recorded as N100 at all.

Officers and staff spoken to during this inspection had very little awareness of the N100 classification. This included public protection specialists, who are most likely to need to consider the use of the classification.

In order to minimise the delay in recording an offence of rape and to ensure appropriate records are made which justify not recording a reported rape, the force must take action to ensure that it uses classification N100 correctly and consistently.

As with other sexual offences, the recording of a report of rape is important. Victims generally require significant support from the outset and any delay in providing support can be detrimental to both the recovery of the victim and to any investigation. This, in turn, can negatively influence future judicial proceedings.

## **How efficiently do the systems and processes in the force support accurate crime recording?**

 Inadequate

### **Crime reports held on other systems**

#### **1 of 20 vulnerable victim crimes were recorded**

The extent to which crimes reported directly to the force public protection teams are not being recorded is inexcusable. In order to be confident that vulnerable victims always receive the support they need, the force must take immediate action to improve its recording of these crimes.

We examined 48 vulnerable victim records on Niche. Of these, we found that 20 crimes should have been recorded, of which only one had been. The missing 19 crimes that should have been recorded were all assaults, these included offences against both adults and children.

There was evidence that most but not all of the victims of these crimes were being safeguarded and some, but not all of the crimes were being investigated.

Despite this, the extent to which reports of crime received by public protection teams are not being recorded, and the seriousness of the risks associated with the under-recording of these reports of crime, are causes of concern.

We found that the force's audit of vulnerable victim records on Niche focused on those records that were already associated with recorded crimes. The exclusion of records from this audit which were not associated with a crime record means that the force is unaware of the extent of under-recording of reports of crime contained within these records.

## **Modern slavery**

Offences relating to modern slavery are an important and recent addition to the crimes that forces must record and investigate. We therefore reviewed the recording of reports of modern slavery offences. We also examined the force's understanding of the origin of such reports. Again, we found that the crime-recording requirements from these reports must improve.

We examined 15 modern slavery reports and found that 19 crimes should have been recorded but only seven were recorded. Among the missing crimes were five modern slavery crimes, four reports of assault and one report of rape.

We also examined 17 reports which the force had recorded as modern slavery crimes. From these, we found that an additional 14 crimes had not been recorded. These missing crimes included two modern slavery crimes, five reports of assault and seven reports of rape.

The force works regionally, nationally and internationally in its efforts to tackle modern slavery. A detective superintendent is responsible for developing the force's response to modern slavery, supported by a small dedicated team which develops intelligence and manages the response to investigations. The force is developing an intelligence picture in collaboration with partners, including other police forces in the region.

Officers and staff have a good, basic knowledge of modern slavery offences. They are aware that a dedicated team existed which would support them if needed.

## **Timeliness**

The HOCR require that reports of crime are recorded within 24 hours of the receipt of the report. We found that, of the reports of crime that had been recorded by Leicestershire Police, only 65 out of 83 reports of rape, 306 out of 502 reports of violent crime and 88 out of 172 sexual offences (excluding rape) had been recorded within 24 hours of the receipt of the report.

While some victims may be referred to support agencies by other means, the delay in recording a reported crime also delays the referral of the victim to the force's victim support team (Victim First). As some victims would benefit from the early support this team can provide, these delays are unacceptable.

### **Cancelled crimes**

Where additional verifiable information (AVI) is obtained to show that a recorded crime did not occur, the crime record can be cancelled.

We reviewed 20 cancelled recorded crimes each of rape and sexual offence crimes (excluding rape), 22 violence crimes and 13 robbery crimes. We found that the FCR, who has responsibility for the cancellation decisions in regard to recorded crimes of rape, had correctly cancelled 17 out of 20 of these crimes. Other crime cancellation decisions are the responsibility of three staff known as designated decision makers (DDMs.) The DDMs had correctly cancelled 18 out of 20 sexual offences, 21 out of 22 violence offences and all 13 robbery offences. This illustrates a good standard of decision making for most of these crimes. However, the incorrect decisions in respect of rape are of particular concern.

We also found that many officers and staff had a limited understanding of what amounts to AVI for the purpose of cancelling a recorded crime.

Where a crime has been cancelled or transferred to another force for investigation, a victim should always know the status of his or her reported crime. In the case of a decision to cancel a recorded crime, the very least the victim should expect is an explanation of the reason for this decision. We found that the force needs to improve in this respect as, where a victim needed to be told, not all victims had been told of the decision to cancel their reported crime.

### **Code of Practice for Victims of Crime**

The [Code of Practice for Victims of Crime](#) provides clear guidance to police forces regarding the service that should be provided to all victims of crime. We have concluded that the force is complying with all of its responsibilities on those occasions where a reported crime is recorded.

Victim First supports victims of crime who are referred to it once a crime has been recorded. In some cases victims may self-refer. However, the delays we found in the recording of many reports of crime, together with the failure to record a high number of reported crimes means that referrals to Victim First are either delayed or not made at all. The improvements needed to address the under-recording of reports of crime, as discussed earlier in this report, will assist the force's compliance in this area.

## **Equality**

HMICFRS found that the force must improve in its collection of information regarding crimes affecting identifiable groups within communities.

Protected characteristics, such as gender, sexuality, disability, ethnicity, religion and age do not necessarily increase the vulnerability of an individual to the risk of crime. However, it is important that the force records information regarding the characteristics of victims of crime in order to identify any patterns which may exist between different community groups and their vulnerability to (or their relative likelihood to report) different types of crime. We found that the force records equality information in relation to the victim such as age and gender on every occasion, but only records other protected characteristics where these are determined to be relevant to the offence.

Importantly, so long as the force fails to record such information, it will be unable to understand clearly whether its crime-recording decisions are consistent across different community groups. This is, therefore, an area for improvement.

## **Officer and staff survey**

We conducted a survey of officers and staff in Leicestershire Police of their experience in respect of crime-recording. Some 128 respondents completed the survey. While some of these commented that they were under pressure due to the volume of work they had responsibility for, and criticised a new operating model which the force had introduced, there was no suggestion that these in anyway affected the crime-recording decisions they would make.



## How well does the force demonstrate the leadership and culture necessary to meet the national standards for crime recording?

●●○○ Requires improvement

The integrity of the crime-recording arrangements in Leicestershire Police has deteriorated since [HMICFRS' 2014 Crime Data Integrity inspection report](#). Senior officers understand this, and have recognised that the introduction of a new crime-recording system, and changes to the force operating model introduced in February 2015, have in some respects affected negatively the standard of service the force provides to the public, including the accuracy of crime recording.

The force is now working to adapt its operating model. Senior leaders are ensuring that this includes an emphasis on accurate and effective crime recording. This is welcome.

We found that officers and staff always seek to place the needs of the victim at the heart of their crime-recording decisions but due to insufficient knowledge of crime-recording requirements many victims are being failed. This included those occasions when officers attending reports of crime believed wrongly that because the victim did not want any formal action taking, there was no need to record the crime. This absence of knowledge is exacerbated by limited supervision to challenge or correct wrong crime-recording decisions.

Insufficient progress has been made with implementing and sustaining changes recommended in the 2014 report. We also note that more needs to be done if the force is to fully meet the expectations of the action plan developed by the national policing lead on crime statistics following the 2014 report, and which all forces have been asked to implement.

However, the progress made in the use of out-of-court disposals is notable. Effective processes are now in place to monitor all such disposals, including the use of independent scrutiny panels. Procedural documents are clear and concise; these ensure that considerations as to the suitability of the use of the disposal for both the victim and offender are very good.

## **Conclusion**

Leicestershire Police's crime-recording arrangements are currently below an acceptable standard.

The force also needs to address shortcomings in its auditing arrangements to ensure that this provides a substantially clearer picture of crime-recording accuracy, so that senior leaders can address any identified shortcomings and ensure that the force provides a good service to all victims of crime.

## **What next?**

HMICFRS expects the force urgently to make progress implementing recommendations we make in this report.

The serious causes of concern found during this inspection are such that HMICFRS will re-visit the force in 2018 to assess progress.

# POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE AND CRIME PANEL

Report of	<b>CHIEF CONSTABLE</b>
Subject	<b>999 and 101 PERFORMANCE</b>
Date	<b>TUESDAY 3 OCTOBER 2017 – 10:00 a.m.</b>
Author	<b>SUPERINTENDENT RICH WARD</b>

### **Purpose of Report**

1. The purpose of this report is to update the Police and Crime Panel about 999 and 101 performance, explore the routing and flow of both 999 and 101 and seek to explain the journey Contact Management Department (CMD) have gone through over the last 14 months in terms of service/performance improvement.

### **Background / Current Position**

2. During the summer of 2016 CMD saw a significant downturn in relation to 999 and 101 performance. The reasons for this have been well documented, as is the performance plan that was put in place to return the department to an acceptable level.
3. Performance measures differ for 999 and 101. In relation to 999 the aim is to answer 90% of calls within 10seconds. This is a nationally agreed target and is measured in the same way across England & Wales. Furthermore BT monitors the amount of 999 calls that take longer than 2mins 30 secs to answer. In addition to this each force has a contingency for another force to answer any overflow 9's. (Leicestershire is supported by Northamptonshire).
4. There is no recognised national target for 101 and forces are left to decide what they believe to be an acceptable target. Leicestershire Police took the decision to have 80% of 101 calls answered within 30 seconds. Furthermore it is left to each force to decide where they measure the 'call answered' from, therefore some forces deem it as being answered at the first point of greeting by (usually) the Chief Constable, other forces will measure only those calls that are made to report an incident, whilst others will measure all calls once they are answered by an Operator. Leicestershire currently measures its answered calls at the point it is answered by an Operator.
5. There are a number of different priorities given to calls made to 101 (there are currently 31 different routes/priorities into CMD). For example a member of the public calling to report an incident or crime will be given a higher priority than a member of the public calling for an update on a crime or to speak to an Officer in relation to something they have already reported to us.

6. When a call through the 101 system first comes in to us the caller is given a number of options to choose. It is at this point that the priority grading is given to their call and they are put in to the relevant queue to wait to speak to an Operator. The reality of this means that if your enquiry is a low priority and we are particularly busy with people making calls to report crimes or incidents then you will keep moving down the queue and could be on hold for a considerable amount of time.
7. Leicestershire Police are currently one of only two forces in the country on an analogue telephony platform. As a result the scope for channel shift, reassurance messages and alternative means of contacting us is very limited.

### **Historic Performance – where we were**

8. During the summer of 2016 when CMD were performing poorly our actual performance for 999 was 83% with an abandonment rate of 0.01%, whilst abandonment was low the number of calls that went beyond 2mins 30 secs was high. This was highlighted to us by BT on a monthly basis and was incorporated into our performance plan. 101 performance was 67% and dropped month on month to a low of 48% in February 2017.
9. Whilst there are many contributory factors to performance within CMD a key element is the staffing to demand profile. It was recognised that the shift pattern and recruitment plan was not fit for purpose, a thorough review of these led to a new shift pattern and recruitment plan being implemented from the 4<sup>th</sup> June 2017.

### **Current performance – where we are**

10. As of 21/8/17 our 999 performance is 93.2%, with a strong indication that performance continues to improve as the new shift pattern and recruitment drive take effect. This is on the back of a three month period (April – June) where we saw an extra 10,000 calls made to Leicestershire Police CMD compared to the same 3 month period last year. This increase is in line with the national picture and work is ongoing to ascertain what the cause is. The 999 performance improvement has also been recognised by BT who have made comment of our improvements despite the significant increase. This should be seen as a strong indicator that we are moving in the right direction.
11. 101 performance also continues to improve with 74.5% of calls answered within 30 seconds an increase of almost 30% since the implementation of the performance plan.

### **The Future**

12. Whilst some good work has been done to reverse the decline in performance there is still some way to go to ensure good performance is 'normal businesses'. There are 3 key factors to ensure the trend continues:
  - Channel shift  
There are still some significant challenges to overcome in relation to inappropriate calls into the police. Currently 60% of all calls into CMD are not police related matters. Whilst the new telephony platform will assist in some channel shift ( improved call routing flows, 'comfort messages and alternative contact platforms such as web Chat) further work needs to be done in relation to Public Education and partnership engagement to

ensure partners have appropriate means of communication to prevent the Police being the 'service of last resort.'

- **Continued recruitment**  
Prior to 2016 there had been no recruitment for a significant period of time. The current attrition rate for CMD is between 1.8 and 2 staff per month. In order to recruit a course of 12, on average 100+ applicants are required with a 5 month lead in time from application to start date. There is then a 5 week initial training course with a further 4 week in company period for a new Contact Handler. In order for this to be successful there has to be a continual open recruitment process with close support from Human Resources Service Centre (HRSC) and East Midlands Collaborative Human Resources Service (EMCHRS). Currently four courses are planned for 2018.
- **Staff profiling**  
The demographic of staff within CMD coupled with the attrition rate mentioned above means that there has to be constant focus on staff profiling ensuring staffing meets demand. A number of years ago the post was removed from within the department and as a result there has been no consistent corporate eye on staff profiling, as a result this has contributed to the decline in performance. Currently CMD are working through this using a staff member (contact Handler) to perform this function, work is progressing to look at how we mainstream this within existing resources.

### **Recommendation**

13. That members note the contents of the report and make comment as appropriate.

### **List of Appendices**

None

### **Background Papers**

None

### **Person to Contact**

Superintendent Rich Ward, Contact Management Centre

Tel: 0116 248 2459

Email: [richard.ward@leicestershire.pnn.police.uk](mailto:richard.ward@leicestershire.pnn.police.uk)

Chief Inspector Jason Ross, Contact Management Centre

Tel: 0116 248 2405

Email: [jason.ross@leicestershire.pnn.police.uk](mailto:jason.ross@leicestershire.pnn.police.uk)

Roger Bannister, Deputy Chief Constable

Tel: 0116 248 2005

Email: [roger.bannister@leicestershire.pnn.police.uk](mailto:roger.bannister@leicestershire.pnn.police.uk)

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# POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE AND CRIME PANEL

Report of	<b>CHIEF CONSTABLE</b>
Subject	<b>PROJECT DARWIN UPDATE</b>
Date	<b>TUESDAY 3 OCTOBER 2017 – 10:00 a.m.</b>
Author	<b>ANDY ELLIOTT, HEAD OF CHANGE</b>

## **Purpose of Report**

1. The purpose of this report is to inform the Police and Crime Panel of the proposed changes to our current policing model. Project Darwin will implement changes to how we police by 'Policing in Neighbourhoods' which will see more officers relocated away from HQ in local neighbourhood stations. The establishment changes are described in this report. The Project Darwin changes are the first changes being made as part of the Blueprint 2025 change programme which will see a force wide review of all departments and teams. Over the next two years further changes will take place to align the force to national proposals whilst maintaining locally delivered services according to local demand and priority as outlined in the Police and Crime Plan.

## **Recommendation**

2. The Panel to note the proposed changes.

## **Introduction**

3. According to the last census the population of Leicester, Leicestershire and Rutland was 1,071,000. Over the next five years the population is expected to rise by an estimated 40,000. Nationally the average ratio for officers to members of the public is 1:470. With an establishment of 1782 our ratio (based on the 2014 census figures) is 1:601. With a growing population and static or reducing officer numbers this ratio will only widen further. Because of these pressures the force needs to review and adapt its policing model to create a more flexible, adaptable policing model. Changing the policing model will assist the force to be more capable of meeting demand but will not resolve all the pressures faced. The new model will be more suitable to cope with changing demands.

4. The current policing model implemented in February 2015 is no longer fit for purpose for Leicestershire Police. Increases in demand, changes in the type and complexity of crime and the overall reductions in public sector services (as a result of budget cuts) have all increased pressures on policing resources. As a result of these changes the force is now implementing a new policing model based on re-deploying resources to local neighbourhood bases. The new model of policing in neighbourhoods will increase local presence and visibility in our communities. It will allow for a much more flexible model of policing that can be more tailored to reflect local demands and place police officers and staff in communities and more able to deal with local crime patterns and trends.
5. Recent demand analysis carried out by the change team as part of Project Darwin has highlighted a requirement for changing our resource model and our policing model in front line policing areas - response, volume crime and missing persons. This stage is only the first tranche of work which has looked mainly at the changes made under Project Edison. As part of the Blueprint 2025 change programme all areas of the force will be reviewed and our policing model will be aligned to national policies and proposals as indicated by the National Policing Vision 2025 and the anticipated Neighbourhood Policing guidelines produced by the College Of Policing (due in late 2017 or early 2018).
6. As the force has limited resources available it must look to re-allocate its resources to ensure they are best placed to deal with demand and force priorities. It is not possible to allocate resources to cover all demands in all areas so conscious decisions will need to be made as to what the key priorities are and then resources allocated accordingly. Our current estate also restricts what we can do. The changes will maximise the use of our neighbourhood stations, most of which will be full or almost full once these changes have been implemented.
7. The changes proposed in Project Darwin are based on deploying resources in neighbourhood locations to ensure that resources are based more in our communities, can be more capable of following local crime patterns and best understand policing requirements on a local level. The increase in locally based resources with a greater mix of uniformed officers and detectives being based in and deployed from neighbourhood stations will reduce travel, increase visibility and provide better value for money.
8. **Neighbourhood Investigation Unit** - The re-deployment of investigative resources out from a mainly central HQ base at Enderby will see 393 officers, detectives and staff re-located amongst eight neighbourhood bases (Coalville, Hinckley, Euston Street, Keyham Lane, Beaumont Leys, Melton Mowbray, Market Harborough and Loughborough), an increase in five from the current model. These officers and staff will be working in the local areas and will increase



visibility and should, in turn, increase public confidence. These new units are called Neighbourhood Investigation Units (NIU) and will be investigating local crime and dealing with local problems alongside the neighbourhood policing teams to provide a more cohesive policing model – by enhancing our capacity for policing in neighbourhoods. Overall 117 more investigative staff will be based in neighbourhood stations than within the current way of working.

9. **Response** - Demand analysis has also identified that an increase in our response capability is required. An additional 22 staff are being moved to response as well as utilising nearest and best specialist responders from Crime & Intelligence Directorate (CAID) and Neighbourhood teams including the new Neighbourhood Investigation Units (NIU's). The changes to our response policing model will see an increase in response hubs with hubs being based at Loughborough, Braunstone, Keyham Lane, Euston Street, Mansfield House, Beaumont Leys, Hinckley and Melton Mowbray. These changes will also see improved response cover and visibility in the North West, East and South of the county. In order to meet the requirement for additional officers in response we have sought to identify a small number of posts not aligned within the current operating model along with seeking to compress some of the force operational priority teams. Currently the force has the Tactical Support Team (TST) (forms part of East Midlands Operational Support Services (EMOpSS)) the Force Priority Team based in the city (covering city and county) and a small number of officers based in Neighbourhood Policing Area (NPA) which are referred to internally as Neighbourhood Priority Teams (NPT). These teams are in addition to the dedicated Neighbourhood Beat Team and do not feature as part of the website or community policing offer. Externally communities and partners associate the dedicated beat team with Neighbourhood policing not the NPT officers. These officers routinely get deployed across borders and are abstracted to meet changing demand. The total number of officers based within the TST, Force Priority Team and NPT is 106. Our proposal is to reduce this to 82 giving a clear spread of operational support at force and local level. This redistribution would strengthen response numbers and allow the introduction of a local response presence to increase response times and enhance local marked patrols as there will be less travel time. To mitigate the reduction of officers dedicated to priority tasking the Neighbourhood Policing Superintendent is carrying out a review of the current tasking arrangements of regional resources to ensure they are better aligned and utilised.
10. **Missing Persons Team (MPT)** – Demand in this area has increased by 81% compared to 2013/14 data and Child Sexual Exploitation (CSE) high risk demand has increased by 173% over the same time. To be able to cope with this significant increase the MPT will have an additional 6 officers added and will be split into 2 teams – an operational team to locate and a complex team to focus on the high risk cases working closely with partners. The increases to resources in MPT will be sourced in the same way as the response uplifts from NPT

and moving warranted officers to front line policing. Response will still have a primary role in searching for missing persons and the changes have been designed to reduce duplication and waste and allow greater capacity for response to deal with other demands whilst still maintaining a good quality missing person service.

11. **Crime Recording** – The force has recently been inspected by HMIC and this has highlighted issues with the recording of some crimes. To improve our processes and procedures for recording crime internal services have been re-designed. This includes the utilisation of a recently implemented triage function within Contact Management to record and allocate responses based on a wider utilisation of force assets. This change is expected to resolve the majority of missed recording opportunities. Further changes are also being made to the quality assurance processes with a re-alignment of resources into the teams working on crime data integrity. This will improve the quality of recording to ensure that crimes are recorded according to the national crime recording standards (NCRS). The re-alignment of resources within this area of business has no impact on front line policing numbers and makes better use of back office resources.
12. The changes being made to redeploy establishment for Project Darwin and to the new policing in neighbourhoods model has involved Unison and the Federation, as major stakeholders, throughout the design, planning and implementations undertaken to date. The need to reduce handovers, improve services to victims and instil a greater sense of personal responsibility and ownership will require a cultural change and a more multi-skilled workforce. The cultural change work required to embed these changes will form the major part of the ongoing cultural change work involved in the Blueprint 2025 change programme.
13. The slide pack distributed with this paper shows how the overall changes to frontline policing implemented through the Policing in Neighbourhoods model will impact the numbers of warranted officers in each local policing area. The numbers quoted in this report are based on posts and not actual officers as these are still to be confirmed. It is likely that the numbers will be higher than the posts as the force has a number of part time workers. The changes will be implemented from late October 2017 and will be completed by early 2018.
14. The Neighbourhood Policing team will see no changes to its available front line resources with beat officers and PCSO's not changing to accommodate the model changes. The 8 additional Neighbourhood Policing Officers promised in the Police Commissioners Police and Crime Plan will be deployed into the neighbourhood policing teams from late November 2017 with all 8 being in post by April 2018.
15. In summary the changes to resource deployment through the Policing in Neighbourhoods model will increase the number of officers based in local policing areas compared to the current way of working. More than 100 officers and detectives will be working from de-centralised

neighbourhood bases compared to now. This will have no negative impact on dedicated neighbourhood officers and the redeployment to local bases will have a positive impact on visibility and increase our effectiveness and make us more efficient by reducing travel time and giving our officers a more local focus.

### **Implications**

**Financial:** Implementation costs for Project Darwin are not significant and the changes should see a reduction in the costs of fuel over time and a more efficient and effective means to deploy our resources.

**Legal:** NA to this report.

**Equality Impact Assessment:** An EIA is currently being completed in relation to the NIU changes and one is planned to be completed for PRT following the completion of the NIU EIA.

**Risks and Impact:** Risks are being recorded and managed aligned to corporate procedures and are discussed and managed via both the Darwin and Change Board meetings.

**Link to Police and Crime Plan:** The changes proposed by policing in neighbourhoods will increase visibility, improve services to victims and improve value for money with greater efficiency and effectiveness. As such the changes are well aligned to the Police and Crime Plan.

**Communications:** A full communication plan has been developed with the communications team for Darwin and this will extend into Blueprint 2025 on an ongoing basis. Partners have been informed of the changes prior to implementation.

### **List of Appendices**

Appendix A - Project Darwin slide pack

### **Background Papers**

NA to this report

### **Person to Contact**

Mr Andy Elliott, Head of Change  
Tel: 0116 222 2222 (Ext: 6094)  
Email: [andrew.elliott@leicestershire.pnn.police.uk](mailto:andrew.elliott@leicestershire.pnn.police.uk)

Roger Bannister, Deputy Chief Constable  
Tel: 0116 248 2005  
Email: [roger.bannister@leicestershire.pnn.police.uk](mailto:roger.bannister@leicestershire.pnn.police.uk)

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**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND  
CRIME PANEL – 3 OCTOBER 2017**

**APPOINTMENT OF INDEPENDENT CO-OPTED MEMBERS OF THE  
POLICE AND CRIME PANEL**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**Purpose of Report**

1. At the request of some Panel Members and in line with the resolution of the Panel on 2 February 2016 this report has been brought to enable Panel Members to reconsider the arrangements for co-opted independent members of the Police and Crime Panel going forward and whether amendment is required to the Panel's Terms of Reference.

**Background**

*Legislation*

2. Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 states that Police and Crime Panels are able to have members co-opted by the Panel and the appropriate number of co-opted members is:

“(a) two, or

(b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.

(4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless –

(a) that number of co-opted members is greater than two;

(b) the secretary of state agrees that the panel should have that number of co-opted members; and

(c) the total membership of the panel, including that number of co-opted members, would not exceed 20.”

*Terms of Reference*

3. The Terms of Reference of the Leicester, Leicestershire and Rutland Police and Crime Panel, approved when the Panel was created in 2012, state at Section 2, Paragraph 4:

The Panel shall be made up of a minimum of 10 councillors and two independent members. Co-opted members shall be appointed in accordance with paragraphs 9-13 below and may be appointed in accordance with paragraph 17 below.

4. Section 2, Paragraph 9 of the Terms of Reference states:

The Panel shall co-opt two independent members on to the Panel for a term being the length of office of the Police and Crime Commissioner, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.

5. Section 2, paragraph 17 of the Terms of Reference states:

The Panel, once established, may agree to co-opt additional members drawn from the local authorities to ensure the balanced appointment requirement, as far as reasonably practicable.

*Recruitment process*

6. When establishing the Leicester, Leicestershire and Rutland Police and Crime Panel in 2012, a sub-committee of councillors including Messrs Pendleton and Slater and former members of the Panel (Cllr. B. Roper, Cllr. S. Russell and Cllr. D. C. Bill) supported by Leicestershire County Council officers led on this process and, following a recruitment process, Mrs. Helen Carter and Col. Robert Martin were appointed. Their original term of office was due to come to an end with the termination of the PCC's term of office in May 2016.

*Reappointment*

7. The issue of independent members was considered again by the Police and Crime Panel at its meeting on 2 February 2016. The minutes of that meeting reflect that Panel Members were of the view that Col. Martin and Mrs. Carter had both served the Panel well over the previous four years, however some panel Members thought that it was not helpful to have the co-opted members' serve coterminously with the PCC as it might provide a lack of continuity at a time of significant change. The Panel therefore resolved unanimously:

*“That the current independent co-opted members of the Police and Crime Panel, Col. Robert Martin and Mrs. Helen Carter, be re-appointed for a period of four years, pending a review in the Summer of the Panel's constitution.”*

**Independent Members on Police and Crime Panels in other areas**

8. Of the 39 Police and Crime Panels in England 36 have 2 Independent Members which is the statutory minimum. The remaining Panels are Avon and Somerset, and Northamptonshire, with 3 Independent Members each, and Nottinghamshire who have 4 Independent Members on their Police and Crime Panel. Nottinghamshire, Avon and Somerset, and Northamptonshire Police and Crime Panels all obtained approval from the Secretary of State to appoint additional Independent members in accordance with the statutory requirements.

9. The term of office of Independent Members on most other Police and Crime Panels is not coterminous with that of the Police and Crime Commissioner and various approaches have been followed. Whilst the LLR Police and Crime Panel has been able to retain the same Independent Members for the whole period that the Panel has been in operation, this has not been the case for other panels and so for various reasons the Independent Member's term of office are not coterminous with that of the PCC. For example, in the case of Kent and Medway Police and Crime Panel, the Independent Members have been appointed until October 2020 which means that they will remain in place for 5 months after the PCC elections. Similarly Lincolnshire Police and Crime Panel has appointed its Independent Members until September 2020. On Gloucestershire Police and Crime Panel, one independent Member's term runs coterminously and one does not.

### **Options for Leicester, Leicestershire and Rutland Police and Crime Panel in the future**

10. The Panel has several options with regard to these appointments:
- (a) Allow the current independent Members to continue to serve until May 2020 in accordance with the panel decision of 2 February 2016 with an intention to appoint in 2020 for a further 4 years.
  - (b) Agree that a new recruitment process be carried out immediately to recruit two or more independent members for a term to be decided by the Panel. The present independent members could, if they were minded to, re-apply to serve on the Panel.
  - (c) Amend the terms of reference so that independent members are to be appointed mid-way through the term of the PCC i.e after 2 years, and in the interim re-appoint the current independent Members until May 2018.
  - (d) Increase the number of Independent Members on the Panel and begin a new recruitment process. As per the legislation set out above this would require agreement of the Secretary of State.

### **Amending terms of reference**

11. Were option (c) above to be approved then Section 2, Paragraph 9 of the terms of reference could be amended to read as follows:

The Panel shall co-opt two independent members on to the Panel for a term of 4 years commencing at the mid-way point in the Police and Crime Commissioner's term of office, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.

This would result in recruitment processes taking place in May 2018, May 2022 and so on.

## **Recruitment Process**

12. If the Panel were to decide to commence a new recruitment process, an outline timescale for this process is set out below.

<b>Recommended timescale</b>	<b>Activity required</b>
3 October 2017	Panel agrees which members will serve on appointing sub-committee
9 October 2017	Advertisement for applicants is placed in the Leicester Mercury (six week advertising period)
20 November 2017	Deadline for applications
w/c 27 November 2017	Shortlisting
w/c 4 December 2017	Interviews
End of December 2017	Appointments made
January 2018	Induction sessions held (should new members be appointed)
31 January 2018	New appointee's first Panel meeting

13. The secretariat at Leicestershire County Council would support the recruitment process.
14. LGA Guidance suggests that short-listing, interviewing and selection of the independent co-optees may be delegated to a selection panel or sub-committee of the PCP. It is proposed that, as it did in 2012, the Panel considers appointing a sub-committee at an early stage to enable their full engagement in the process.

## **Recommendations**

- (a) The Panel is asked to consider the following:
- (i) whether it wishes to amend the term of the current Independent members or whether it wishes to proceed with a recruitment process;
  - (ii) whether it wishes to amend its Terms of Reference with regard to whether the co-opted members' serve coterminously with the PCC.
  - (iii) whether it wishes to make any other amendments to the Terms of Reference on any other issue.
- (b) If the Panel is minded to start a new recruitment process a subcommittee of three PCP members be appointed to shortlist and interview candidates.

## **Officer to Contact:**

Euan Walters, Senior Democratic Services Officer  
 Leicestershire County Council  
 Tel: 0116 305 6226  
 Email: Euan.Walters@leics.gov.uk

## **Appendices**

Leicester, Leicestershire and Rutland Police and Crime Panel Terms of Reference



## 1. Terms of Reference

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### Introduction

The Leicester, Leicestershire and Rutland Police and Crime Panel will publicly scrutinise the actions and decisions of the Police and Crime Commissioner (PCC) in the context of relevant sections of the Police Reform and Social Responsibility Act 2011, with a view to supporting and challenging the PCC in the effective exercise of his or her functions, acting as a critical friend.

References in this document to the 'Panel' are references to the Police and Crime Panel.

### Terms of Reference (as agreed by all relevant local authorities)

The Police and Crime Panel will be a joint Committee of Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Leicester City Council, Leicestershire County Council, Melton Borough Council, North West Leicestershire District Council, Rutland County Council and Oadby and Wigston Borough Council.

To enable it to effectively scrutinise and support the Police and Crime Commissioner in the exercise of his or her functions, the Panel will:-

1. Review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner.
2. Hold a public meeting to consider the annual report from the Police and Crime Commissioner on the exercise of the commissioner's functions, at which the PCC will be present to answer questions, and make a report or recommendation (as necessary).
3. Hold public confirmation hearings and review, make reports, or recommendations (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
4. Review and make reports on the proposed appointment, suspension or removal of the Chief Constable.
5. Review and make a report and recommendation (as necessary) on the proposed police precept.
6. Review and scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.

7. Fulfil functions in relation to complaints about conduct matters made against the Police and Crime Commissioner or Deputy Police and Crime Commissioner (if appointed), in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
8. Appoint an Acting Police and Crime Commissioner if necessary.
9. Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities.
10. Determine and publish rules of procedure, including those for the appointment and removal of a chairman, method of making decisions and the formation of sub-committees, panels and working parties.
11. Co-opt additional members to the Panel with regard to the balanced appointment objective and to ensuring the required skills, knowledge and experience are represented.

## 2. Leicestershire Police and Crime Panel Arrangements

### Operating arrangements

1. Leicestershire County Council shall act as the host authority in establishing and running the Police and Crime Panel, including providing the necessary administrative and financial support.
2. The Clerk to the Panel shall be appointed by the host authority.
3. The host authority will be responsible for reviewing the membership of the Panel in the light of the balanced appointment objective and making a recommendation to the Panel or relevant local authorities as appropriate as to the make-up and membership of the Panel.

### Membership

4. The Panel shall be made up of a minimum of 10 councillors and two independent members.
5. The elected membership shall consist of the Mayor of Leicester (or his nominee), one Councillor each from Leicestershire County Council, Rutland County Council, Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, North West Leicestershire District Council, and Oadby and Wigston Borough Council.
6. All City Councillors, County Councillors and District or Borough Councillors are eligible to be members of the Panel.
7. Co-opted members shall be appointed in accordance with paragraphs 9-13 below and may be appointed in accordance with paragraph 17 below.
8. The Panel is entitled, in order to achieve the balanced appointment objective, to recommend to the Secretary of State that additional members be co-opted to the Panel. Such co-opted members will be elected members of the local authorities, nominated in accordance with Schedule 1 of the Rules of Procedure for the Panel. Any local authority providing additional co-opted members will nominate the individual members to act in that capacity and the Panel will accept the nomination. Schedule 1 may be amended from time to time to reflect changes in membership required to achieve the balanced appointment objective.

*[Note 1 The representation on the Panel above reflects statutory provisions.  
Note 2 Paragraph 8 does not form part of the Panel Arrangements, as approved by the relevant local authorities.]*

### Appointment of Independent Members

9. The Panel shall co-opt two independent members on to the Panel for a term being the length of the term of office of the Police and Crime Commissioner, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.
10. The selection process for co-opting members should include a reasonable period of advertising for the positions. There should be at least two weeks between the date the advert is first placed and the closing date for receipt of applications.
11. Information packs shall be prepared and sent to those requesting application forms.
12. Applications shall be considered against an agreed eligibility criteria and then the Chairman and Vice-Chairman of the Panel will be invited to meet to consider the applications and interview candidates.
13. Following the interviews, the Chairman and Vice-Chairman will make recommendations to the Panel for appointment.
14. The following may not serve as independent co-opted members: the Police and Crime Commissioner, a member of the Police and Crime Commissioner's staff, a civilian member of Leicestershire Police Force, a MP, a MEP or a member of any of the local authorities covered by the Force area.

[NB: Serving police officers will not be eligible to serve in accordance with their conditions of service.]

### Appointment of Elected Members

15. Members of the Panel will be appointed by each relevant local authority in accordance with its procedures.
16. Terms of office of elected members will be agreed by the local authorities at the time of appointment, having regard to the outcome of any review of membership by the host authority. Local authorities, in making the appointment must have regard to the balanced appointment requirement, as far as reasonably practicable, and seek to ensure appointees have the necessary skills, knowledge and experience.
17. The Panel, once established, may agree to co-opt additional members drawn from the local authorities to ensure the balanced appointment requirement, as far as reasonably practicable.

Substitutes

18. Substitutes are permitted subject to the arrangements of the relevant local authority. The Clerk to the Panel must be notified of the attendance of any substitute at least 24 hours before the meeting.

Resignation/Removal of Members

19. Members may resign from the Panel at any time. Elected Members should inform the nominating Local Authority and the clerk to the Panel in writing. Co-opted members should inform the Chairman and the clerk to the Panel in writing.
20. Elected members may be removed by their nominating Local Authority. Reasons for the removal of a member should be presented in writing to the Chairman of the Panel.

Payments/Allowances

21. 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.

Communication and Engagement

22. A Communications and Engagement strategy for the work of the Panel, including how the work of the Board will be influenced by stakeholders and the public, including seldom heard groups, will be published following agreement by the Panel. The Strategy will make provision for:
- (a) The role of the Panel to be promoted;
  - (b) Support and guidance to be given to:
    - (i) Members of the relevant local authorities;
    - (ii) Members of the executives (if any) of relevant local authorities; and
    - (iii) Officers of relevant local authorities,
- in relation to the functions of the Panel.
23. The Panel will operate as a forum to represent the views of stakeholders and the public to the Police and Crime Commissioner.

Budget

24. Leicestershire County Council as the host authority will receive funding from the Home Office for the purposes of establishing and maintaining the Panel and for the payment of expenses to members. In the event that the costs so incurred exceed the funding made available by the Home Office, the host authority may ask that a contribution be made by authorities providing members to serve on the Panel. Any such requests shall be in proportion to

the extent of representation of authorities on the Panel for the period covered by the costs incurred.

### **3: Leicester, Leicestershire and Rutland Police and Crime Panel Rules of Procedure – Conduct of Meetings (Agreed by the Panel)**

#### Chairman of Panel

1. The Chairman of the Panel will be elected in June of each year from amongst the elected members sitting on the Panel.
2. A Vice-Chairman will be elected in June of each year from amongst the elected members sitting on the Panel.
3. In the event of the resignation or removal of the Chairman, a new Chairman will be elected at the next meeting, from amongst the elected members sitting on the Panel.
4. If both the Chairman and Vice-Chairman are absent from a meeting, the members present shall choose one of their number from amongst the elected members to preside over the meeting, subject to Rule 5 below.
5. If the Chairman arrives at a meeting of the Panel or Vice-Chairman arrives at such a meeting from which the Chairman is absent after the time for which the meeting has been summoned, he or she shall preside over the meeting after any question under discussion on his or her arrival has been disposed of but not before then.
6. Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

#### Quorum

7. The quorum of the Panel shall be at least one quarter of the whole number of the Panel. Members present as substitutes shall be included in calculating whether the meeting is quorate.
8. If during any meeting of the Panel the Chairman, after counting the number of members present declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time to be fixed by the Chairman, or, if he or she does not fix a time, to the next ordinary meeting of the Panel.

#### Access to Information

9. The Access to Information Procedure Rules laid down by the Host Authority will apply with any necessary modifications.

Order of Business

10. Except as otherwise provided by Rule 13. below, the order of business at ordinary meetings of the Panel shall be: -
- (a) to choose a person to preside if the Chairman and Vice-Chairman be absent;
  - (b) to confirm the minutes of the last meeting of the Panel;
  - (c) to dispose of business (if any) remaining from the last meeting;
  - (d) to consider reports as specified on the agenda;
  - (e) to consider motions in the order in which the notice has been received;
  - (f) any other items which the Chairman decides are urgent.
11. Business falling under items (a), (b) or (c) of Rule 10 shall not be displaced, but subject thereto the foregoing order of business may be varied:-
- (a) by the Chairman at his or her discretion; or
  - (b) by a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

Minutes of the Panel

12. At a meeting of the Council at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
13. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
14. If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Amendments to motions

15. An amendment shall be relevant to the motion and shall be either:-
- (a) to refer a subject of debate to a subcommittee or the Police and Crime Commissioner for consideration or re-consideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others;
  - (d) to insert or add words;

but such omission, insertion or addition of words shall not only have the effect of negating a motion before the Panel.

16. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of; provided that the Chairman may permit two or more amendments



to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the Panel's business.

17. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

#### Alterations or withdrawal of motion or amendment

18. A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him or her before the consent of the Panel to the alteration is sought.
19. A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
20. The giving or refusal of the consent of the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

#### Motions and amendments generally

21. A member may not propose or second a motion or amendment on which he or she is disqualified from voting.

#### Conduct of Members

22. If any member in the opinion of the Chairman signified to the Panel, misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Panel, or by tedious repetition or unbecoming language in his or her speech, the Chairman or any other member may move "That the member named by not further heard", and such a motion if seconded shall be put and determined without discussion.
23. If the member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either:-
  - (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or

- (b) adjourn the meeting of the Council for such period as he or she in his or her discretion shall consider expedient.

Motions affecting persons employed by the Police and Crime Commissioner

24. If any question arises at a meeting of the Panel or a subcommittee as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the Police and Crime Commissioner, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised, with the exception of confirmatory hearings for the Chief Constable, Deputy Police and Crime Commissioner, Chief Executive and Chief Financial Officer which are required to be held in public.

Right of reply

25. The proposer of a motion shall have the right of reply to the debate:-
- (a) at the close of the debate on the motion;
  - (b) at the close of the debate on an amendment to the motion;
  - (c) before a motion to proceed to next business or that the Panel adjourn or a motion or amendment to refer the subject of debate to a subcommittee or the Police and Crime Commissioner is put;
  - (d) after the closure is carried.
26. The proposer of an amendment shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.

Points of order and personal explanations

27. A member may speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.
28. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Next business etc

29. A member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another member, unless the Chairman considers that the matter has been insufficiently discussed, move "that the Panel proceed to the next business" or, if there is no other business to be transacted, "that the Panel adjourn".

30. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
31. On the seconding of the motion, the Chairman shall first give the mover of the original motion an opportunity to speak on it for not more than five minutes and then put to the vote the motion to proceed to the next business or to adjourn the Panel.
32. If that motion is carried, the original motion shall be considered as withdrawn.

#### Adjournment of debate

33. A member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.
34. If the member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Panel.
35. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it for not more than five minutes.
36. On the resumption after adjournment of an interrupted debate, the Council shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Rules of Procedure.

#### Closure

37. A member may at the conclusion of the speech of another member move "that the proposition under discussion be now put" (which is in these Standing Orders referred to as "the closure").
38. The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put forthwith to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
39. If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion, first having the right of reply given by Rules 33 - 36.

### Voting

40. Every proposition shall, unless otherwise required by these Rules of Procedure or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.
41. If an automatic system of recording votes is in operation, the Chairman shall have power to order votes to be given and counted in accordance with the system.
42. In taking the votes on any proposition, those members only shall be entitled to vote who are present in the meeting room when the proposition is put from the Chair.
43. Any member present who is a substitute for a regular member is entitled to vote, if present when the proposition is put.
44. After a proposition is put from the Chair but before the vote is taken, any three members rising in their places may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against that proposition or abstained from voting.
45. Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

### General disturbances

46. If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him or her. If he or she continues the interruption the Chairman shall order his or her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
47. If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him or her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

### Interests in contracts and other matters

48. If any member of the Panel has any pecuniary interest as defined within the Code of Conduct of their appointing authority or, in the case of independent co-opted members, the Host Authority's Code of Conduct in any contract, proposed contract, or other matter, that member shall declare that interest and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Panel unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Host Authority.

#### Record of attendance

49. Every member attending a meeting of the Panel or subcommittee of which he or she is a member, shall sign his or her name in the attendance book or sheet provided for that purpose.

#### Meetings of the Panel and subcommittees

50. The Chairman of the Panel or the chairman of a subcommittee may cause a special meeting of the body concerned to be called at any time. In the absence of the Chairman of the body concerned the Deputy Chairman of that body may exercise the powers conferred on the Chairman by this Rule.
51. A special meeting of the Panel or subcommittee shall be called on the request of at least one quarter of the whole number of members of the body concerned by notice in writing signed by them and given to the Clerk to the Panel and specifying the business for which the meeting is to be called.

#### Proceedings of the Panel and subcommittees

52. The quorum of a subcommittee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the body concerned, provided that in no case shall a quorum be less than three members.
53. Subject to the provisions of Section 100 of the Local Government Act 1972, all reports and all documents marked as "confidential" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Panel's or Police and Crime Commissioner's business.
54. No act of a subcommittee shall have effect until approved by the Panel except to the extent that the subcommittee has itself power to act without the approval of the Panel.

#### Variation and revocation of Rules of Procedure

55. Any motion to add to, vary or revoke these Rules of Procedure shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Panel.

#### Interpretation of the Rules of Procedure

56. The ruling of the Chairman as to the construction or application of any of these Rules of Procedure, or as to the proceedings of the Panel, shall not be challenged at any meeting of the Panel.

#### Frequency of Meetings

57. Meetings of the Panel will generally take place six times a year but extra meetings may be convened with the agreement of the Chairman.

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#### **4: Leicester, Leicestershire and Rutland Police and Crime Panel Rules of Procedure – Working Arrangements (Agreed by the Panel)**

##### Additional co-opted members

1. The Panel is entitled, in order to achieve the balanced appointment objective, to recommend to the Secretary of State that additional members be co-opted to the Panel. Such co-opted members will be elected members of the local authorities, nominated in accordance with Schedule 1. Any local authority providing additional co-opted members will nominate the individual members to act in that capacity and the Panel will accept the nomination. Schedule 1 may be amended from time to time to reflect changes in membership required to achieve the balanced appointment objective.

##### Work Programme

2. The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme, the Police and Crime Panel will also take into account the wishes of its members.
3. The work programme must include the functions described in the terms of reference for the Panel.
4. Any member of the Police and Crime Panel shall be entitled to give notice to the Clerk of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting, including notice of any motion which he or she wishes to put to the meeting.

##### Reports from the Police and Crime Panel

5. Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it will publish the report or recommendations (subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended) and send copies to all the relevant local authorities.
6. The Police and Crime Panel must, by writing, require the Police and Crime Commissioner, as appropriate, within one month of the date on which he or she receives the report or recommendations to:
  - (a) consider the report or recommendations;
  - (b) respond in writing to the Panel indicating what (if any) action the Police and Crime Commissioner proposes to take;
  - (c) where the Panel has published the report or recommendations, publish the response;
  - (d) where the Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

7. If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner, then one separate report may be prepared and submitted for consideration along with the majority report. The Commissioner would be expected to issue a response to any such minority report alongside his/her response to the majority report.
8. The basis of any minority report prepared under the paragraph above must have been discussed and been the subject of a proposal at the meeting of the Panel and must have the support of more than one member.

#### Police and Crime Commissioner and officers giving account

9. The Police and Crime Panel will scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. To this end, the Panel may require any papers in the Commissioner's possession (except those that are operationally sensitive) which appear to the Panel to be necessary in order to carry out its functions. In addition, it may require the Police and Crime Commissioner and members of that Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
10. The Panel may not require any member of the Police and Crime Commissioner's staff to give any evidence, or produce any document, which discloses advice given to the Commissioner by that person.
11. Where the Police and Crime Commissioner, or a member of that Commissioner's staff, is required to attend the Panel under this provision, the Chairman will inform them in writing giving, where practicable, fifteen days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
12. If the Police and Crime Panel requires the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request of the Commissioner that the Chief Constable also attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

#### Attendance by others

13. The Police and Crime Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the Panel and officers in other parts of the public sector.



### Subcommittees and task groups

14. Time limited task and finish groups (subcommittees) may be established from time to time by the Panel to undertake specific task based work.
15. Subcommittees and task groups shall not have the power to coopt additional members.
16. The special functions of the Panel may not be discharged by a subcommittee of the Panel or a task group. Special functions are those functions conferred on a Panel by:-
  - (a) Section 28(3) of the Police Reform and Social Responsibility Act 2011 (scrutiny of Police and Crime Plan);
  - (b) Section 28(4) of the Police Reform and Social Responsibility Act 2011 (scrutiny of annual report);
  - (c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act 2011 (review of senior appointments);
  - (d) Schedule 5 of the Police Reform and Social Responsibility Act 2011 (issuing precepts); and
  - (e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment, suspension or removal of the Chief Constable).
17. The work undertaken by a subcommittee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

### Carrying out 'Special Functions'

18. Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at paragraphs 61 to 64.

### *Police and Crime Plan*

19. The Police and Crime Commissioner must issue a Police and Crime Plan within the year in which he or she is elected. The Plan is to be for a period of five years. The Commissioner may vary the Plan or issue a new one during that time.
20. The Police and Crime Commissioner must send the draft Police and Crime Plan or variation to the Police and Crime Panel in good time to enable the Panel to consider the plan.
21. The Police and Crime Panel, having considered the draft Police and Crime Plan or variation will make a written report or recommendation to the Police and Crime Commissioner in relation to the draft Plan or variation. The Panel will require a written response to the report or recommendation.

*Annual Report*

22. The Police and Crime Commissioner will produce an Annual Report on the exercise of his functions in the financial year and on the progress made on meeting the objectives in the Police and Crime Plan and send a copy to the Police and Crime Panel.
23. The Police and Crime Panel will hold a public meeting, which the Police and Crime Commissioner must attend to present the Annual Report and respond to questions from the Panel.
24. The Police and Crime Panel will make a written report or recommendations on the Annual Report to the Police and Crime Commissioner. The Panel will require a written response to the report or recommendations.

*Senior Appointments*

25. The Panel has powers to review the Police and Crime Commissioner's proposed appointments of the Chief Constable, a Chief Executive, a Chief Finance Officer and a Deputy Police and Crime Commissioner. The Panel is required to hold public confirmation hearings for these posts.
26. The Panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

*Appointment of Chief Constable*

27. Where a Chief Constable is to be appointed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
28. Confirmatory hearings will be held in public and the candidate will be requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
29. Having considered the appointment, the Panel will be asked to either:
  - (a) support the appointment without qualification or comment;
  - (b) support the appointment with associated recommendations; or
  - (c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

30. If the Panel vetoes the appointment of the Chief Constable, the report to the Commissioner must include a statement that the Panel vetoed the appointment with reasons.
31. Where the Panel exercises its power of veto of the proposed appointment, the Commissioner shall then propose a 'reserve candidate' for appointment as Chief Constable.
32. When a reserve candidate has been proposed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
33. The process as outlined in paragraph 84 will apply.
34. Having considered the appointment the Panel will be asked to make a report to the Commissioner, which will include a recommendation to the Commissioner as to whether or not the reserve candidate should be appointed.
35. The Commissioner must have regard to the report and will notify the Panel of his decision as to whether or not he accepts or rejects the recommendation.

*Appointment of an Acting Police and Crime Commissioner*

36. The Panel must appoint a person as Acting Police and Crime Commissioner if:-
  - (a) no person holds the office of Police and Crime Commissioner;
  - (b) the Police and Crime Commissioner is incapacitated; or
  - (c) the Police and Crime Commissioner is suspended.
37. The Police and Crime Panel may appoint a person as Acting Police and Crime Commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
38. In appointing a person as Acting Police and Crime Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
39. The appointment of an Acting Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
  - (a) the election of a person as Police and Crime Commissioner;
  - (b) the termination by the Police and Crime Panel, or by the Acting Police and Crime Commissioner, of the appointment of the Acting Commissioner;
  - (c) in a case where the Acting Police and Crime Commissioner is appointed because the Police and Crime Commissioner is incapacitated, the Commissioner ceasing to be incapacitated; or

- (d) in a case where the Acting Police and Crime Commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.

*Suspension and Removal of the Chief Constable*

40. Where the Police and Crime Commissioner suspends a Chief Constable from duty, he will inform the Police and Crime Panel as soon as practicable.
41. Where the Police and Crime Commissioner intends to seek the resignation or retirement of the Chief Constable, the Commissioner must provide the Chief Constable with a written explanation of the reasons why he proposing to call for their resignation or retirement. The Commissioner will also notify the Police and Crime Panel in writing and provide the Panel with a copy of the explanation provided to the Chief Constable.
42. The Police and Crime Commissioner may not call upon the Chief Constable to resign or retire until the scrutiny process involving the Police and Crime Panel has been completed.
43. The Chief Constable will make representations to the Police and Crime Commissioner, which the Commissioner must have regard to and must provide a copy of to the Police and Crime Panel as soon as reasonably practicable. If, following consideration of the written representations, the Commissioner still intends to seek the resignation or retirement of the Chief Constable, he or she must notify the Panel.
44. The Police and Crime Panel will hold a meeting, at which the Police and Crime Commissioner and the Chief Constable may make representations to consider whether or not the Commissioner should call for the resignation or retirement of the Chief Constable.
45. Within six weeks of the notification in paragraph 92 the Panel will make a written recommendation to the Police and Crime Commissioner as to whether he or she should call for the resignation of the Chief Constable. The Panel will require a response to the recommendation.

*Proposed precept*

46. The Police and Crime Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year by 1 February of the relevant financial year. The Panel must review the proposed precept and make a report including recommendations by 8 February of the relevant financial year.
47. Having considered the precept, the Panel will either:
  - (a) support the precept without qualification or comment;
  - (b) support the precept and make recommendations; or

- (c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).
48. If the Panel vetoes the proposed precept, the report to the Police and Crime Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons, including an indication as to whether it considers the proposed precept is too high or too low. The Panel will require a response to the report and any such recommendations.
49. Where the Panel exercises its power of veto, the Commissioner must issue a response, notifying the Panel of the revised precept he intends to issue. (If the Panel had vetoed the proposed precept because it was too high, the revised precept must be lower; and if the Panel had vetoed the proposed precept because it was too low, the revised precept must be higher.)
50. When notified of a revised precept, the Panel shall, by 22 February of the relevant financial year, review the revised precept and make a report to the Commissioner, which may indicate with the Panel accepts or rejects the revised precept (a rejection does not prevent the Commissioner from issuing the revised precept as the precept for the financial year) and make recommendations.
51. The Commissioner shall have regard to the second report (and any recommendations) and will issue a response (to be published) to that report, by 1 March of the relevant financial year.

### Complaints

52. Complaints against the Police and Crime Commissioner will be brought to the attention of and recorded by the Panel subject to procedures to be agreed by the Panel. Complaints involving suspicion that a criminal offence has been committed must be referred to the Independent Police Complaints Commission.
53. Non-criminal complaints in relation to the Police and Crime Commissioner or any Deputy Police and Crime Commissioner can be considered by the Panel through a hearing. The Panel can examine this through a subcommittee.
54. The Panel may delegate the initial handling of complaints and conduct matters but not its functions relating to the final resolution of a complaint.
55. A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the Panel that:
- (a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
  - (b) the offence is one which carries a maximum term of imprisonment of two years or more.

56. The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of the following events:
- (a) the charge being dropped;
  - (b) the Police and Crime Commissioner being acquitted of the offence;
  - (c) the Police and Crime Commissioner being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction; or
  - (d) the termination of the suspension by the Police and Crime Panel.

#### Working with Local Authority Scrutiny Bodies

57. The Panel will act in accordance with such Protocols as may be developed between the Police and Crime Panel and Local Authorities.

#### Review of Constitution

58. This constitution may be amended at any time by the Police and Crime Panel. The Host Authority will conduct an annual review of the provisions of the Constitution and report to the Panel on the outcome of that review should it be considered appropriate to make any amendments. The Host Authority will carry out a review of the provisions of Schedule 1 at any time upon the occurrence of a change in political balance in the authorities represented on the Panel and report to the Panel on any proposed changes.

**Scheme for the co-option of additional local authority members to the  
Leicestershire Police and Crime Panel**

The Police Reform and Social Responsibility Act 2011 suggests that the Panel should, as far as is reasonably practicable, reflect the political make-up of the relevant local authorities (when taken together) across the force area and should also represent all parts of the relevant police area.

The population distribution across the City, County and Rutland (taken from the 2011 Census figures) is as follows:

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

The political balance on all authorities across Leicester, Leicestershire and Rutland is as follows:

	Seats	%
Conservatives	199	51
Labour	102	26
Liberal Democrat	75	19
Other	13	3

This is based on the current political balance on all Councils so may change after every election. The next elections (County) are due to take place in May 2013 and District and City Elections in May 2015.

To achieve a Panel that better reflects the populations served by the Leicestershire and Rutland Police Force, 3 additional local authority members shall be nominated by the City Council in accordance with the following table:

Conservatives	7 members	Drawn from ruling groups in authorities
Labour	4 members	One from Leicester City Council by law, three co-opted from the City Council
Liberal Democrat	2 members	Drawn from ruling groups in authorities

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## 5. Guidance on Conducting Confirmation Hearings

1. It is important that the process relating to these Hearings is scrupulously fair. It is an unusual situation for the candidates involved to be 'interviewed' for a job in a public forum. The process outlined below has been designed to ensure rigour and fairness in all circumstances.
2. It is anticipated that the Police and Crime Commissioner's Office will provide notice when a relevant appointment is being sought. It will be for the Commissioner to provide the paperwork that will be considered as part of any Confirmation Hearing (job description, advertisement, criteria the applicants were assessed against, number of applicants interviewed and by whom, *curriculum vitae* of preferred candidate).
3. Prior to the public Confirmation Hearing, a private meeting will be arranged at which the Panel will be able to discuss the process and agree on the questions to be asked of the candidate with Legal and/or Human Resources advisers available if required.
4. The questions need to relate to two general principles:
  - i. Professional competence
  - ii. Personal independence (although this will be less relevant if considering a candidate for Deputy Police and Crime Commissioner).
5. It is not recommended that the Hearing is used to explore hypothetical instances, i.e. asking the candidate what they would do in a particular situation but should address issues of competence, integrity and independence, suitability and expertise, priorities and vision, availability, (nothing personal)
6. During the public Hearing, the Panel will be seeking to establish if, in its opinion, there are sufficient reasons to not follow the Commissioner's proposal for appointment.
7. The public Confirmation Hearing will then be followed by a private meeting, in which the Panel can reflect on its report and recommendations.
8. Regardless of the outcome of the Confirmation Hearing, there will normally be a five day delay prior to publication of the report and recommendations. During this period, if necessary, (i.e. if the Panel intends to not recommend appointment or even, in the case of an appointment to Chief Constable, use its veto), the Panel will have further opportunities for discussion with Legal and Human Resources advisers and the PCC.

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**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND  
CRIME PANEL – 3 OCTOBER 2017**

**VENUES FOR PANEL MEETINGS**

**REPORT OF THE SECRETARIAT**

**Purpose of this Report**

1. The purpose of this report is to consider the arrangements for venues for Panel meetings going forward and to review the trial which took place regarding holding two meetings per year at City Hall, Leicester.

**Background and current arrangements**

2. The Police and Crime Commissioner (PCC) for Leicester, Leicestershire and Rutland is an elected official under the Police Reform and Social Responsibility Act 2011. The role of the Police and Crime Panel is to review and scrutinise the decisions and actions of the PCC providing support and challenge. Transparency plays a key role in the Panel's approach to scrutiny of the PCC.
3. The Police and Crime Panel is a public meeting and it plays a key role in assisting the public in evaluating the performance of the PCC. The Panel also provides evidence of ongoing support and challenge to local policing and community safety. For these reasons it is imperative that meetings of the Panel are accessible to as many members of the public as possible either by attending in person or viewing a webcast, whilst maintaining value for money.
4. The Secretariat for the Police and Crime Panel is based at County Hall and comprises officers from Leicestershire County Council. This arrangement was agreed prior to the Panel's inception in 2012. The County Council claims grant funding from the Home Office in support of its duties as Secretariat.
5. The current Chairman of the Police and Crime Panel is partly based at County Hall by virtue of being an elected member of Leicestershire County Council. This enables effective and regular liaison between the Chair and the Secretariat.
6. The Office of the Police and Crime Commissioner (OPCC) is based at Force Headquarters in Enderby on the outskirts of the city. In addition to officers from the OPCC, officers from Leicestershire Police also regularly attend meetings of the Panel. In terms of mileage from Force Headquarters, City Hall and County Hall are fairly equidistant.
7. At a meeting of the Panel on 23 September 2016 a decision was made by the Panel to hold two of its six standard meetings per year at City Hall on a trial basis, commencing with the March 2017 meeting of the Panel. Panel meetings therefore took place at City Hall on 29 March 2017 and 26 July 2017.

### **Analysis of the trial**

8. The room used for Panel meetings at City Hall is spacious and has a good size public gallery. However, no members of the public attended either of the Panel meetings at City Hall in 2017 therefore it has not been demonstrated that holding the meetings at the City make Panel meetings more accessible for the public. A journalist from the Leicester Mercury did attend the Panel meeting on 26 July 2017 however that particular journalist regularly attends meetings at County Hall as well.
9. The webcasting for the meeting on 29 March 2017 worked well and was available for viewing on the City Council website during and after the meeting. However, there were technical difficulties with the webcasting for the meeting on 26 July 2017 resulting in the first half of the meeting not being webcast. It is not expected that the technical difficulties would be a permanent issue if meetings continued to be held at City Hall.
10. City Hall does not have its own car park and therefore Panel attendees were recommended to park at the NCP Rutland Centre carpark on Halford Street, Leicester. Whilst this is relatively close to City Hall this car park has been very full at the time of day the Police and Crime Panel has taken place. In addition, parking at this car park for the duration of Police and Crime Panel meetings has cost each attendee £12 which has had to be claimed back from the Home Office grant funding. Other car parks are available in the City Centre though not as close to City Hall.
11. From the point of view of the Secretariat, holding the meetings at City Hall has created some difficulties as this has required the transporting of large amounts of paper documents from County Hall to the NCP car park by vehicle and then be manually transported into the City Hall building. There were also difficulties with printing off last minute documents and ensuring last minute messages were received by the secretariat officer once he had made his way to City Hall.
12. The Panel's Legal advisor and Monitoring Officer is based at County Hall and was able to attend the meeting at City Hall on 29 March 2017. However, a more desirable use of resources would be for the Legal Advisor not to be required to attend every meeting of the Panel but to be on hand to provide advice if required and this works more efficiently if the meetings are at County Hall.
13. The attendance of Panel members has been slightly lower at City Hall meetings than would normally be for meetings at County Hall. For the meetings on 29 March 2017 and 26 July 2017 only 11 of the 15 Panel Members were present. However, this may be due to other unconnected reasons and little significance can be placed upon it.
14. Though traffic is naturally a consideration for the location of meetings, it could be suggested that traffic in and approaching the city is notably busier than in most areas of the County. When combined with the parking issues in the city this may have affected members' ability to arrive at meetings on time. Conversely, City Hall is probably more convenient for the City Councillors on

the Panel.

**Recommendation**

15. The Panel is asked whether it wishes to continue with the current practice of holding two of its 6 yearly meetings at City Hall.

**Officer to Contact:**

Euan Walters, Democratic Services, Leicestershire County Council

Tel: 0116 305 6016

Email: [euan.walters@leics.gov.uk](mailto:euan.walters@leics.gov.uk)

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