

POLICE AND CRIME PANEL

7 DECEMBER 2016

GOVERNANCE AND THE WAY FORWARD

Author

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Recommendation

1. **The Police and Crime Panel is recommended to:**
 - a) **Note the report;**
 - b) **Decide if any amendments should take place to the Panels work programme;**
 - c) **Decide if Member Champions or Task and Finish Groups would be the best way to progress the work programme; and**
 - d) **Decide if the Rules of Procedure for the Panel require amendment.**

Purpose

2. The purpose of this report is to remind Members of the West Mercia Police and Crime Panel of methods of undertaking their workload, provide an opportunity to discuss the Panel rules of procedure and decide if any amendments should be made to the rules of procedure.

Background

3. The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly-elected Police and Crime Commissioners (PCC).
4. The public accountability for the delivery and performance of the police services within each force area is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The Police and Crime Panel (the Panel) within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context.
5. The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes:

- (a) The power of veto, by a two thirds majority of the total Panel membership, over the level of the PCC's proposed precept;
 - (b) The power of veto, by a two thirds majority of the total Panel membership, over the PCC's proposed candidate for Chief Constable;
 - (c) The power to ask Her Majesty's Inspectors of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable;
 - (d) The power to review the draft Police and Crime Plan and make recommendations to the PCC who must have regard to them;
 - (e) The power to review the PCC's annual report and make reports and recommendations at a public meeting, which the PCC must attend;
 - (f) The power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
 - (g) The power to require the PCC to attend the Panel to answer questions;
 - (h) The power to appoint an acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified;
 - (i) Responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the Independent Police Complaints Commission (IPCC) in line with legislation.
6. The Chief Constable retains responsibility for operational matters. If the Panel seek to scrutinise the PCC on an operational matter, the Chief Constable may be invited to attend alongside the PCC to offer factual accounts and clarify (if needed) the Chief Constable's actions and decisions. The accountability of the Chief Constable remains firmly with the PCC and not the Panel.

West Mercia Police and Crime Panel

- 7. The West Mercia Police and Crime Panel covers the area served by the West Mercia Police (i.e the geographical area covering Herefordshire, Shropshire, Telford and Wrekin and Worcestershire).
- 8. The Panel is a scrutiny body. It exists to scrutinise the Police and Crime Commissioner, to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions. Therefore the work of the Panel should reflect the following functions:

- contributing to the development of the PCC's police and crime plan (on which it is a statutory consultee – the PCC must have regard to the PCP's views on the draft plan)
- scrutinising the PCC, and receiving evidence from the chief constable (by invitation), at 'set piece' events at certain points in the year
- reviewing the PCC's proposed precept
- receiving evidence in person from officers of the PCC's secretariat, although powers to require information do not extend to receiving 'advice' given by the PCC's secretariat to the PCC
- reviewing the PCC's proposed appointments of chief constable, chief executive, chief finance officer and deputy police and crime commissioner and holding public confirmation hearings for these posts
- making reports and recommendations on matters relating to the PCC, on which the PCC is obliged to provide a response
- carrying out investigations into decisions made by the PCC, and into topics of particular interest, or public concern. This is not a statutory function (the Act does not require it), but may be necessary in order to effectively carry out the rest of the PCP's business
- an informal role in investigating complaints about non-criminal behaviour of the PCC, without any explicit powers to investigate
- making comments on the PCC's annual report at a public meeting to be held as soon as possible after the publication of that report (the public meeting will also provide the PCP with an opportunity to directly question the PCC on the annual report)

Approaches to Governance

9. The Panel has requested a report on Governance arrangements for the purpose of setting out a forward direction for the Panel and how it conducts its work.
10. The purpose of scrutiny is ultimately to improve the lives of local people through improved public services. To justify the resources allocated to scrutiny it is important to be able to demonstrate that scrutiny work adds value and makes a difference to local people. There are a number of methods of delivering good scrutiny that the Panel could consider in delivering its work programme.

Work Programme

11. Fundamental to this is having a work programme. The role of the Panel is to achieve positive outcomes for local people by undertaking a thorough, targeted examination of the PCCs performance. However, it is not possible to examine every aspect of performance in detail, so it is important for the Panel to prioritise and plan its workload.
12. **Does the Panel feel that it has a developed work programme that reflects the concerns of Panel Members, partners and the public?**

Panel Meetings

13. Panel meetings are formal and public. They provide a forum whereby Panel Members can:
- discuss written information they have received, from the PCC and external bodies,
 - hear evidence from witnesses, which could include other councillors, officers from the PCC's Office, Police representatives, experts, representatives from other organisations and members of the public,
 - question witnesses to gain a better understanding of the issues, draw conclusions from their discussions and the evidence examined, in the form of an outcome.
14. Panel meetings usually involve one or more substantive written reports being tabled on issues selected by the Panel and its Chair on the basis of the work programme. The purpose of 'good scrutiny' is to provide recommendations for improvement, so it is important to have a clearly defined outcome at the end of the meeting.
15. Panel Members may wish to consider how they conduct Panel Meetings. It may be a good idea to develop report templates for certain items to ensure that information that is required is correctly requested and then provided. Panel Members may wish to consider the use of expert witnesses when consider certain items to in order to better hold the PCC to account and to get an independent view of performance or policy.

Member Champions

16. Some Police and Crime Panels have Member Champions whereby individuals are tasked with becoming 'experts' in certain areas. Members would be asked to volunteer for one or more discreet areas – perhaps suggested by different areas of the PCCs plan. The Champions would then be able to keep abreast of current issues and highlight any areas of concern which may merit further investigation by the panel. The Panel may decide that the best way to deal with any specific issue, is to form a Task and Finish Group – with the relevant Member Champion as a member.

Task and Finish Groups

17. Task and finish groups are informal, usually small and time-limited bodies comprised of Panel Members and, often, co-optees brought in from outside the Panel for their specific skills and experiences. They are established to undertake a discrete piece of scrutiny work, and report back to the Panel with their findings and recommendations.
18. Task and finish groups are not mentioned in legislation, although most councils make provision for them in their constitution. The following rules of thumb are considered best practice when it comes to Task and Finish Groups:
- membership should be defined and agreed by the group's parent committee,
 - the parent committee should also decide on who should chair,

- decision-making in the group (i.e. deciding on the wording of a final report and deciding on recommendations) should be undertaken through consensus rather than through a vote, given the fact that the membership may not directly reflect political proportionality,
- To demonstrate transparency and accountability, it is also recommended that task and finish groups make published information, minutes and evidence-gathering sessions accessible to the public.

19. The Panel may wish to introduce the idea of Member Champions and subsequently decide to launch task group reviews as a result of information from Member Champions, in order to conduct a specific more in-depth piece of Scrutiny work.

Rules of Procedure

20. The Panel may wish to review its rules of procedure in order to take account of best practice, recent training and developing procedure such as the process undertaken for the Chief Constable Confirmation Hearing.

21. It is suggested that the Panel review its rules of procedure (attached at Appendix A) and decide if any improvements and amendments should be made.

Appendices

Appendix 1 – Rules of Procedure of West Mercia Police and Crime Panel.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Email: worcestershirehub@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal & Democratic Services) the following are the background papers relating to the subject matter of this report:

- West Mercia Police and Crime Panel Terms of Reference
- West Mercia Police and Crime Panel Work Programme 2016/17