

**2 FEBRUARY 2016**

## **THE POLICE AND CRIME PLAN**

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### **Recommendation**

- 1. It is recommended that the Panel:**
  - a) That the Police and Crime Panel considers its role and responsibility in relation to the Police and Crime Plan, taking into account that the Plan Task Group has not been able to be convened.**
  - b) That the Police and Crime Panel agrees how it wishes to fulfil its role and responsibilities in relation to the Police and Crime Plan for the remainder of the 2015/16 year and future years.**

### **Purpose**

2. The purpose of this report is to provide members of the Police and Crime Panel with details of relevant information and guidance on the Panel's role in relation to the Police and Crime Plan.
3. This information is being provided in order to assist the Police and Crime Panel in moving forward in fulfilling their role in relation to the current Police and Crime Plan and future Police and Crime Plans.

### **Background**

4. At its meeting on the 20<sup>th</sup> October 2015 the Police and Crime Panel received a report that proposed a work plan for the Panel to cover the period October 2015 - March 2016. The purpose of this report was to agree a way forward that would allow Members of the Panel to prepare in advance and allow officers from each of the West Mercia Local Authorities time to brief their respective Panel Members prior to each meeting. It also assists the Office of the Police and Crime Commissioner in preparing their reports.
  5. In regards to the Police and Crime Plan the report reminded Panel Members of their duty to review the Police and Crime Plan and Annual Report and review and scrutinise decisions made by the Police and Crime Commissioner. To enable the Panel to conduct the required scrutiny of progress made against the Plan on a cyclical basis, it was suggested that "Progress made against the Police and Crime Plan objectives" remain as a standing agenda item, and that the Panel focus its discussions on a few of the objectives each time.
  6. The report also brought the Panel's attention to the Police and Crime Commissioner moving towards the end of his four year term, and suggested that in
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February 2016 – alongside consideration of the 2015/16 Annual Report – the Panel also receive an overview report from the PCC focusing upon his full term in office.

7. Looking ahead, it was also proposed that a Task and Finish Group be established to examine the current Police and Crime Plan. The Task and Finish Group would look at the Plan's priorities, actual outcomes of its objectives, the value for money achieved and the challenges that are likely to be faced in the future. It is hoped the findings could inform the development of the next Plan.

## Report

8. Due to issues with availability of the Membership of the proposed Task Group, the Task Group has not been able to meet.

9. In order to assist the Police and Crime Panel in deciding how it wishes to fulfil its role in relation to the current Police and Crime Plan and future Plans details of the roles and responsibilities of the Police and Crime Panel in relation to the Police and Crime Plan are set out below. This information has been sourced from the Local Government Associations Police and Crime Panel – Guidance on role and composition document.

10. The PCP 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. Some of its functions will include:

- 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)

11. In addition the Police and Crime Panel is reminded of its right to information. The Local Government Associations Police and Crime Panel – Guidance on role and composition document provides details on this which are detailed below.

12. The PCP will be a formally-constituted joint committee of all the authorities in the force area, where there is more than one authority in the force area. The committee will be bound by Schedule 12A of the Local Government Act 1972, as amended by the Freedom of Information Act 2000 regarding the publication of agendas, minutes and reports. This will include information provided by the PCC and other community safety partners.

13. The PCP has the right to any information which it may reasonably require to carry out its functions, with some minor exceptions relating, for example, to safety and operational policing. 'Reasonably require' is not defined, and it may be that PCPs themselves will need to come to an agreement with the PCC (possibly through the use of a protocol, discussed below) about what this will mean in practice.

14. There may, however, be instances where the PCC provides the PCP with information but requests that the information is not published by the PCP. There are long-standing rules covering councillors' consideration of exempt information. Any issues arising from the PCC's request that information is not published, set against councils' duty to operate in an open and transparent manner, will need to be resolved; either on a case-by case basis, or through a protocol between the PCC and PCP (see below) that deals with the issue of data sharing in more detail.

15. In all instances the presumption should be in favour of openness and transparency.

## **Contact Point**

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