

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	27 January 2017	Item:	13
Title:	Sub-Committee and Working Groups Terms of Reference Updates		
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1. Executive Summary

- 1.1 The purpose of this paper is to set out the amendments that have been made to the respective Terms of Reference Complaints Sub-Committee and Finance Working Group

2. Changes to Terms of Reference

Complaints Sub-Committee

- 2.1 The Complaints Sub-Committee is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire (PCC), and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred to the Panel by the IPCC.
- 2.2 The Sub-Committee have requested that the total membership of the group be increased to four, in order to increase complaints capacity on the Panel, and to ensure that the Sub-Committee are able to meet if a Member is unavailable.
- 2.3 As the Sub-Committee is recommended to have an even membership number, the Terms of Reference (Appendix One) have been update to give the Chairman the casting decision should there be a vote.
- 2.4 The final membership of the Sub-Committee is therefore as follows:
- Bob Purkiss MBE (Chair)
 - Cllr John Beavis
 - Cllr Ken Muschamp
 - Cllr Leah Turner

Finance Working Group

- 2.5 The Finance working group scrutinises the proposed budget and related financial papers prior to the PCP's review of the proposed precept. Since this time, it has continued to meet in order to review information in advance of the annual scrutiny of the proposed precept.

- 2.6 At the working group's meeting on 6 December, the membership made a proposed addition to the Terms of Reference (Appendix Two) to introduce a timetable of meetings for the year. This will better enable the working group to set its meetings based on when financial information is likely to be available from the Office of the Police and Crime Commissioner.

3 Recommendations

- 3.1 That the Panel agree the revised Terms of Reference for the Complaints Sub-Committee and Finance working group.**

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

Membership of Sub-Committee and Working Groups – July 2016

<http://documents.hants.gov.uk/partnerships/hampshire-pcp/2016-07-08PoliceandCrimePanellItem14MembershipofWorkingGroupsReport.pdf>



COMPLAINTS SUB-COMMITTEE

TERMS OF REFERENCE

1. Role and Purpose of the Complaints Sub-Committee

The Complaints Sub-Committee is a permanent sub-committee of the Hampshire Police and Crime Panel (PCP), with membership agreed annually at the Panel's Annual Meeting.

The PCP is responsible for handling complaints made against the Police and Crime Commissioner (PCC) or the Deputy Police and Crime Commissioner (DPCC) (should one be appointed). The Complaints Sub-Committee's purpose is to review all complaints made against the PCC and DPCC in line with the Panel's 'complaints protocol'.

2. Scope of the Complaints Sub-Committee

Objectives:

1. To review any complaint received against the PCC or DPCC in line with the Panel's 'complaints protocol', which makes allegations of a breach of the PCC's code of conduct. In discharging their duties the Complaints Sub-Committee shall have regard to:

- The Code of Conduct of the PCC/DPCC;
- Whether the complaint discloses a specific conduct failure on the part of the PCC/DPCC, identifiable within the Code of Conduct of the PCC/DPCC, or whether it relates to operational matters of the constabulary, and operational policing matters in which the PCC has no authority;
- The remedies available to it;
- All other relevant considerations.

In undertaking their responsibilities, the sub-committee will consider how any action plan or recommendation made following review of a

complaint will seek to resolve a complaint and support the PCC in avoiding future complaints of a similar nature.

Exclusions:

The sub-committee will only consider complaints which appear to be qualifying complaints within the meaning of section 31(1)(a) of the Police Reform and Social Responsibility Act 2011.

In accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and any amending legislation, the Complaints Sub-Committee may not conduct an investigation. The Complaints Sub-Committee may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation.

If, at any stage, the IPCC informs the PCP that they require the complaint to be referred to them, the sub-committee will do so on behalf of the PCP. If matters come to light during the resolution process which indicates the commission of a criminal offence, the complaint must be referred to the IPCC by the sub-committee as a potential 'serious complaint' and any resolution process suspended.

3. Method

The sub committee meet on an ad-hoc basis in response to complaints activity. This will be, as per the 'complaints protocol' through both 'electronic' and 'in person' meetings, depending upon the evidence provided and complexity of any complaint. As a working group of the Panel, meetings will not usually be held in public, and access to information rules for the public will not apply to these meetings.

At any stage, members of the sub-committee or their supporting officers may seek legal advice from the Panel's legal adviser.

4. Membership

Membership for the year is determined during the Annual Meeting, where Members can volunteer for nomination to this sub-committee, with the final membership agreed by the full PCP.

All members of the PCP are eligible for membership and the sub-committee should, where possible, seek to be a cross party group and be chaired by one of the PCP's two independent co-opted members.

The sub-committee shall be made up of four members, with the Chairman having the casting decision on any matter considered by the Sub-Committee.

5. Outcomes

The Complaints Sub-Committee will provide a quarterly report to the full PCP held in public, highlighting complaints activity during that quarter.

Annexe

Background

The PCP is responsible for handling complaints made against the Police and Crime Commissioner for Hampshire, and for informally resolving non-criminal complaints, as well as complaints or conduct matters that are referred back to the Panel by the Independent Police Complaints Commission. In 2012, the PCP agreed that all complaints received should be considered by a Complaints Sub-Committee, in accordance with its agreed 'Complaints protocol'.

Further information can be found online:

<http://www3.hants.gov.uk/hampshire-pcp/pcc-complaints.htm>



FINANCE WORKING GROUP

TERMS OF REFERENCE

1. Role and Purpose of the Finance Working Group

The Finance Working Group is a permanent working group of the Hampshire Police and Crime PCP (PCP), with membership agreed annually at the PCP's Annual Meeting.

The Finance Working Group's purpose is to take a lead on and support the PCP in their statutory responsibility to review the Police and Crime Commissioner's (PCC) annually proposed precept.

2. Scope of the Finance Working Group

Objectives:

To review and interrogate the supporting information (including the budget and related financial papers) prepared by the PCC in advance of consideration by the PCP to support the PCC's precept. Through this activity Members of the working group will review the position leading into precept setting and agree the information to be presented to the full Panel to support their scrutiny, and to better enable the Panel to prepare a report to the PCC on that proposed precept.

In undertaking their responsibilities, the working group will consider how outcomes from their work will help to support the PCP to enable them to comply with their duty under schedule 5 of the Police Reform and Social Responsibility Act 2011, to deliver effective financial scrutiny of the PCC and reach an informed decision when considering the proposed precept, and issuing its report.

3. Method

The working group will meet a minimum of two times per year, with additional meetings scheduled in advance as required to support the review of the PCC's proposed precept. Meetings are scheduled in advance of the meeting of the full Panel in January each year, when the PCP will consider the PCC's proposed precept, and following notification

from the Office of the Police and Crime Commissioner (OPCC) that the draft budget and related financial papers are available for review.

All meetings will be agreed in draft with the OPCC through an annual timetable, which will be set in good time prior to the precept scrutiny activities.

As a working group of the Panel, meetings will not usually be held in public, and access to information rules for the public will not apply to these meetings.

The working group may call on any member of the PCP to join them as an 'expert' adviser, in order to support the effective discharge of their responsibilities.

Where the working group requires further information in order to enhance the efficiency of their financial scrutiny such information will be requested.

Additionally, members of the finance working group or their supporting officers may seek advice from Hampshire County Council's finance officers, as the present administrative authority for the PCP.

4. Membership

Membership for the year is determined during the Annual Meeting, where Members can volunteer for nomination to the working group, with the final membership agreed by the full PCP.

The working group shall be made up five members. All members of the PCP are eligible for membership and the working group should, where possible, seek to be a cross party group.

The working group will co-opt any additional members as they may find advantageous in the course of their considerations. The working group may also invite representatives of the OPCC or other expert advisers to attend meetings in order to provide advice, but these members will not be full members of the working group.

5. Outcomes

The working group will deliver a briefing to the full Panel meetings, held in public, ahead of their scrutiny of the PCP's proposed precept.