



HERTFORDSHIRE POLICE AND CRIME PANEL

ADOPTION OF TERMS OF REFERENCE AND RULES OF PROCEDURE

Gavin Miles, Head of Legal Services,
Broxbourne Borough Council

Item 5

6 December 2012

RECOMMENDATIONS

- 1 That the Panel approves Terms of Reference and Rules of Procedure at Appendices 1 and 2 respectively for the Panel, and undertakes a review in twelve months' time.
- 2 That the Panel delegates its functions with regard to complaints and conduct matters apart from those under paragraph 21.7 of the rules of procedure to the Chief Executive of the PCC unless they consider they are unable to deal with them because of a conflict of interest.
- 3 That the Chief Executive of the PCC be requested to provide a report to the Panel at least annually on complaints and conduct matters.
- 4 Where the Chief Executive of the PCC is unable to act the Panel delegates its complaints functions apart from those under paragraph 21.7 of the rules of procedure to the monitoring officer of the host authority.

Purpose of Report

For the Panel to approve terms of reference and rules of procedure as standing orders for the conduct of its business. The proposal will allow appointed members to comment and approve these documents.

Background

The PCP is a scrutiny body. The Act creating it, the Police Reform and Social Responsibility Act, requires the Panel to make Rules of Procedure. As it is usual for committees of local authorities to have terms of reference as the basis for its working it is appropriate to adopt these as well. The Panel can amend its terms of reference or Rules of Procedure if it becomes desirable or necessary to do so in the future. Amendments have been made and are shown as tracked changes since the October working paper to reflect members' comments and changes in line with by new guidance on complaints handling from the Home Office.

Statutory Requirements

The Act requires the Rules of Procedure to cover the following issues:

- Appointment, resignation and removal of a person to chair the panel.
- They may make provision about the making of decisions and the formation of sub-committees.
- A sub-committee may not co-opt members.
- The special functions (scrutiny of the police and crime plan, scrutiny of PCC's annual report, a proposed senior appointment review and hearing), may not be discharged by a committee or sub-committee of the Panel.

The Act also requires the Panel to determine how certain of its functions are carried out and these may be determined on each occasion or may be included in the rules of procedure.

Particular issues the Panel may wish to consider

Public Participation This has been amended in accordance with comments from members at the October shadow panel meeting to provide for petitions and questions on notice. When in the public interest to do so the chairman may allow additional public participation.

Complaints about the PCC There are a number of duties with regard to complaints about the PCC that are set out in the Act and in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62. Apart from the requirement on the panel to informally resolve complaints, the functions of the panel can be delegated. It is recommended that the Panel delegates its functions with regard to complaints to the Chief Executive of the PCC. This delegation will mainly consist of recording and determining where complaints need to be directed. It is likely that complaints are likely to be about policing or other matters which the PCC's office can direct more efficiently than the Panel. It is also likely that some complaints can be dealt with more expeditiously than by reference to the Panel. It is suggested the Panel receive a report annually from the PCC's office about complaints received so that the Panel can consider them, make recommendations and reconsider the delegation of functions if appropriate. Since the shadow panel considered this topic in October the home Office has produced a plain English guide to the complaints and misconduct regulations: <http://www.homeoffice.gov.uk/publications/police/pcc/pcp-complaints-handling-process>

This guidance makes it clear that the Panel can delegate its functions to an officer as it is a joint committee of the constituent authorities. It is therefore recommended that the complaints that cannot be handled by the PCC Chief Executive should be handled by the Monitoring Officer of the host authority to the extent that they do not need to be considered by the Panel.