

**MINUTES OF A MEETING OF THE
AVON AND SOMERSET POLICE AND CRIME PANEL
HELD ON 31st OCTOBER 2012 AT 10.30 A.M.**

Present

North Somerset Council

Councillor Ashton, Councillor Roz Willis

Somerset County Council

Councillor William Wallace

West Somerset District Council

Councillor Stuart Dowding

Mendip District Council

Councillor John Parham

Taunton Deane District Council

Councillor Mark Edwards

Sedgemoor District Council

Councillor John Swayne

South Somerset District Council

Councillor Tony Lock

Bath and North East Somerset Council

Councillor Lisa Brett

South Gloucestershire Council

Councillor Mike Drew, Councillor Justin Howells

Independent Member

Rosa Hui

Officers Present:

John Smith – Chief Executive, Police Authority

Mark Simmonds – Treasurer, Police Authority

Joanna Coulon – Policy Officer, Police Authority

Ian Pagan – Lead Officers Bristol CC

Jude Williams – Scrutiny Officer, Bristol CC

Patricia Jones – Clerk to the Panel, Bristol CC

PCP

1.10/12

**WELCOME, INTRODUCTIONS AND APOLOGIES FOR
ABSENCE; EMERGENCY EVACUATION PROCEDURE**

Apologies for absence were received from Councillors Haeberling, Councillor Cook, Councillor Hammond, Brenda Steel and Roger Kinsman.

PCP

2.10/12 DECLARATIONS OF INTEREST

It was noted that 4 members of the Panel were currently serving members of the Avon and Somerset Police Authority – Councillors Willis, Howells, Wallace and Parham.

PCP

3.10/12 MINUTES – AVON AND SOMERSET POLICE AND CRIME PANEL – 29TH AUGUST 2012

RESOLVED - that the minutes of the meeting of the Avon and Somerset Police and Crime Panel held on 29th August 2012 be confirmed as a correct record and signed by the Chairman.

PCP

4.10/12 PANEL MEMBERSHIP AND FORMAL APPOINTMENT OF INDEPENDENT CO-OPTED MEMBERS OF THE PANEL

It was noted that Councillor Swayne had permanently replaced Councillor McGinty on the Panel.

The Chairman recapped on the last meeting when it was agreed that substitute members were not eligible to vote. The Panel went on to discuss the validity of substitutes attending meetings in a non-voting capacity. Following discussion and on being put to the vote, there was unanimous agreement that continuity was essential and that substitute members were not permitted to attend future meetings in any capacity.

The Panel unanimously agreed the appointment of Rosa Hui, Brenda Steel and Roger Kinsman as Independent Members of the Panel. The Lead Officer reported that the Government had started work on regulations that would enable the standards regime of host authorities to be applied to Independent Panel Members. Once the legislation came into effect, the Lead Officer would make arrangements for the independent members to sign up.

Members commented positively on the induction session held on 26th October at Castlewood and were invited to complete an evaluation form.

- RESOLVED -**
- (1) that the appointment of Councillor John Swayne be noted.**
 - (2) that Rosi Hui, Roger Kinsman and Brenda Steel be appointed to serve as Independent Co-opted Members of the Avon and Somerset Police and Crime Panel.**
 - (3) that substitute members will not be permitted to attend future meetings of the Panel in any capacity.**

PCP

5.10/12

PRESENTATION - PREPARATION FOR THE POLICE AND CRIME COMMISSIONER

The Panel received a presentation from John Smith. The presentation gave members an overview of the following key areas:-

- Recent transition developments
- Candidates
- The Police and Crime Needs Assessment (PCNA)
- The Police and Crime Plan
- Complaints – interim process
- Co-ordination of work plans and responsibility

There followed a brief discussion regarding the restrictions that might apply to meetings and conversations taking place across the authorities as a result of the Purdah period. The expectation was that authorities would continue with normal business but remain mindful of communications and announcements during this period of sensitivity. Material that could be construed as being supportive of a party or a candidate must not be published. If in doubt, it was noted that the Monitoring Officer at Bristol CC (as the host authority) was the arbiter of the Purdah rules as applicable to the Commissioner process.

The Panel discussed the PCNA. It was recognised that this was an important evidence base that would provide the Commissioner with a comprehensive and holistic overview of the issues, needs and risks cross the force area. Whilst there would be opportunities for joined up working and improved performance, it was acknowledged that social and environmental changes arising from

welfare reform and public sector cuts were likely to impact significantly.

The Panel noted that Home Office guidance on the handling of complaints against the Commissioner had not emerged. The various aspects of the process were discussed in detail, including the feasibility of delegating some aspects of complaint handling to the Commissioner's CEO. This would provide a filter for those complaints falling into well-established distinct categories and an administrative mechanism for the recording of complaints. It was also noted that existing procedures for the informal resolution of complaints could also be used for establishing compatible procedures for informal complaints against the Commissioner.

Members concluded that the key issue was transparency to avoid any perception of bias from the point of view of the complainant. Accordingly, it was agreed that the Panel would receive a standing report on all complaints against the Commissioner (and Deputy) and that all files/records would remain accessible to the Panel and available for dip sampling on request. It was noted that the Panel was not minded to set up a complaints sub-committee, but would reconsider if the number of complaints became unmanageable.

A finalised draft protocol setting out how the Panel can carry out its statutory responsibility in handling non-criminal complaints against the Commissioner would be brought to the next meeting by officers.

- RESOLVED -**
- (1) that the Panel receives a standing report on all complaints against the Commissioner (and Deputy) and that all files/records remain accessible to the Panel and available for dip sampling on request.**
 - (2) that a finalised draft protocol setting out how the Panel can carry out its statutory responsibility in handling non-criminal complaints against the Commissioner be brought to the next meeting by officers.**

PRESENTATION - POLICE BUDGET SCRUTINY AND PREPARING THE PRECEPT

The Panel received a detailed presentation from Mark Simmonds, Treasurer to the Police Authority. The presentation focussed on funding and budget planning and the key issues for consideration in relation to the Precept, spending options and the Damping position.

Below is summary of the ensuing discussion:-

- Avon and Somerset was very heavily damped in the funding formula and had responded vigorously to the Home Office (HO) consultation. It was understood that the HO was attempting to address the issue for 2013/14 but this was likely to prove difficult - fairness was not accurately defined in the formula. Funding was currently 12% adrift of Avon and Somerset's needs assessment.
- The main grant announcement had been delayed to the 12th December or later. Officers were therefore unable to bring any certainty on the main grant to the next meeting, however tough choices were predicted.
- Targets announced as part of broad plans for public finances in the next comprehensive spending review (CSR) appeared extremely challenging. Modelling carried out by the Institute of Public Policy and Research anticipated cuts between 4%-6% in departmental spending.
- The net effect of changes to the council tax benefits scheme was a reduced base, precept and collection rate.
- It was recognised that timescales were extremely tight from the point of knowing the facts to setting the budget.
- Crime had fallen by 30% over the last 7 years and the force had seen a 12% reduction in police officer posts over the CSR period. The appropriate level of officers going forward would form part of discussions with the Commissioner.
- The reduction in crime had enabled investment in projects like the Integrated Offender Management Scheme. Forecasting on official figures indicated a further decrease but this could not be guaranteed.
- Whilst welcoming improvements in performance and levels of detection, it was pointed out that only 1 in 3 crimes were solved. Added to the high percentage of unreported crime, there was general agreement that this was an area that required further improvement.

RESOLVED - that the presentation be noted.

PCP

7.10/12

PANEL ARRANGEMENTS, PANEL PROCEDURE RULES AND GENERAL UPDATE ON DEVELOPMENTS SINCE THE LAST MEETING

The Lead Officer introduced the report and highlighted the proposed amendments to the Panel Arrangements framework, specifically:-

- Arrangements for appointing councillor or independent co-opted members, updated to reflect the requirement of new Regulations which provide that the agreement of all members of the Panel must be secured for any proposed co-option and that any proposed increase in co-opted members must be justified to the Secretary of State in terms of how it contributes to the balanced appointment objective being met .
- Clarification on the issue of substitute members. No longer permitted as agreed earlier in the meeting.
- the intention to sign up the Independent Members to the host authority's code of conduct, enabling any breach to be investigated by the host authority Monitoring Officer. As touched on earlier in the meeting, new Regulations enabling the relevant local government legislation to apply was awaited.

The Panel agreed the proposed changes to the Panel Arrangements framework and commented as follows on the Rules of Procedure:-

- It was agreed that the Public Forum rules were satisfactory for the time being but may need to be reviewed should the level of public participation make this necessary.
- It was agreed that the meeting scheduled for the 10th December should remain in place given the potential need for a confirmatory hearing. At this meeting, the Panel would also consider if the 27th February remained a feasible date to review the Police and Crime Plan. John Smith suggested the budget and precept information could be shared at the 9th January meeting when the necessary detail would be available.

- Attendance of the Commissioner at Panel meetings. There was general agreement that the Commissioner should be encouraged to attend all Panel meetings. In the event of the Deputy or another officer attending, the expectation was that the officer should be prepared and ready to answer questions.

Confirmatory Hearings

The Scrutiny Officer circulated a briefing note on confirmatory hearings based on good practice guidance from the LGA and the Centre for Public Scrutiny. Members noted that this was a whole Panel function that could not be delegated and must take place within 3 weeks of the officer appointment. Whilst not a rubber stamping exercise, it was recognised that hearings should not duplicate or restage the earlier selection process and lines of questions should be designed to get maximum value out of the process.

The Panel agreed to factor in a pre-meeting on the 10th December for the purpose of finalising questions and assessing the paperwork provided by the Commissioner about the candidate. In preparation for this, members agreed to email their suggested questions for consideration in advance of the hearing.

In the interim, it was agreed that officers would develop a protocol to govern the conduct of confirmatory hearings, to be presented to the Panel for approval at its next meeting on 10th December.

Complaints

A finalised draft protocol setting out how the Panel can carry out its statutory responsibility in handling non-criminal complaints against the Commissioner would be brought to the next meeting. As previously agreed, this would include a standing report on all complaints in the system, access to all files and records and the ability to dip sample.

The Chairman emphasised there would be no sub-committee at this point in time. In the event that the Panel needed to meet, members would be notified by email. A third of the membership would be required to attend in line with the Panel's quorum arrangements.

Publicity

Following the election of the Commissioner, it was agreed that a co-ordinated press release would be issued to promote the role of the Panel and its purpose.

Rosa Hui sought clarification on how she should respond to questions from the media about her role. It was agreed that the allocated communications officer at Bristol CC should provide the necessary advice.

In an effort to raise awareness with the public, it was proposed that the Panel should consider holding a meeting at a different venue. It was agreed that the Panel would look at this again at the end of the year when attendance and the response from the public could be assessed.

On a general point, officers were asked to avoid the use of acronyms and abbreviations. In future, the Police and Crime Panel and the Police and Crime Commissioner would be referred to as “the Panel” and “the Commissioner”.

- RESOLVED -**
- (1) that the proposed amendments to the Panel Arrangements and the Panel Procedure Rules be agreed;**
 - (2) that the standards regime of the host authority be applied to the Independent Co-opted Members subject to the satisfactory resolution of outstanding issues by the Government;**
 - (3) that a pre-meeting be arranged on the 10th December 2012 at 10am in preparation for the Deputy Commissioner confirmatory hearing and that the formal Panel meeting be rescheduled for 11.00am.**
 - (4) that officers develop a protocol to govern the conduct of confirmatory hearings, to be presented to the**

Panel for approval at its next meeting on 10th December 2012.

- (5) that a co-ordinated press release be issued following the election of the Commissioner to promote the role and purpose of the Panel.**
- (6) that the allocated communications officer at Bristol CC be requested to provide Rosa Hui with advice on how to respond to questions from the media.**
- (7) that the proposal to hold a meeting at a different venue be reconsidered at the end of the year.**

**PCP
8.10/12 WORK PROGRAMME**

RESOLVED - that the work programme be subject to amendment in line with earlier discussions concerning the budget and availability of information.

**PCP
9.10/12 DATES, TIMES AND VENUES OF FUTURE MEETINGS**

RESOLVED - that meetings of the Avon and Somerset Police and Crime Panel be held on the following dates:-

**Monday 10th December 2012 (first meeting with the PCC)
Wednesday 9th January 2013
Wednesday 6th February 2013
Wednesday 27th February 2013 (provisional)
Wednesday 5th June 2013**

It was confirmed that requests for matters to be included on the agenda should be submitted by e-mail to the Lead Officer at least 15 working days before the next meeting of the Panel, failing which they would not be considered without the express direction of the Chairman.

The Panel considered the following items submitted by Councillor Brett and set out in detail in the report :-

- **Promotion of a Joint CSP Strategic Partnership Board**

It was agreed that in the future, it may become appropriate to review if arrangements were working well and delivering outcomes effectively and efficiently. However for the time being there was general agreement that the Panel needed time to become established, and in due course, the proposal could be discussed further with the Commissioner.

- **The Panel to encourage the newly elected Commissioner to engage with the LGA and Police and Crime Commissioners Association**

It was agreed that this was a matter for the Commissioner.

- **Function Champions**

Following discussion, it was agreed that the proposed champions may evolve naturally and in the fullness of time, without formal appointment. In the interim, champions or experts could feasibly arise as part of a task and finish piece of work.

Appointment of another Independent Co-opted Member

Members were generally not supportive of the proposal. The advert recently placed for the role had sought applications from candidates living or working within the force area and this individual did not. It was also recognised that people with the right expertise could be afforded the opportunity to contribute as and when the need arises.

(The meeting ended at 2.15pm)

CHAIRMAN