



Police and Crime Panel

Date **Tuesday 24 June 2014**
Time **10.00 am**
Venue **Committee Room 1A, County Hall, Durham**

Business

Part A

**[Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement]**

1. Election of Chairman
2. Election of Vice-Chairman
3. Apologies for Absence
4. Substitute Members
5. Minutes of the meetings held on 3 March and 22 April 2014 (Pages 1 - 6)
6. Declarations of interest, if any
7. Durham Police and Crime Commissioner Annual Report 2013-2014 - Report of Assistant Chief Executive (Pages 7 - 26)
8. Hate Crime - Report of Assistant Chief Executive and Presentation by Chief Inspector Colin McGillivray (Pages 27 - 30)
9. Police and Crime Panel Work Programme 2014-15 - Report of Assistant Chief Executive (Pages 31 - 34)
10. Protocol for Section 38 of the Police Reform & Social Responsibility Act 2011 - Report of Assistant Chief Executive (Pages 35 - 48)

11. Home Affairs Committee Report - Police and Crime Commissioners: Progress to Date - Report of Assistant Chief Executive (Pages 49 - 64)
12. Appointment of Independent Co-opted Members - Report of Monitoring Officer (Pages 65 - 88)
13. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
14. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

15. HMIC Inspection Feedback - Report of Assistant Chief Officer (Pages 89 - 98)
16. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Monitoring Officer

County Hall
Durham
16 June 2014

To: **The Members of the Police and Crime Panel**

Durham County Council

Councillors J Armstrong, D Boyes, P Brookes, S Forster, L Hovvels, D Stoker and A Willis

Darlington Borough Council

Councillors I Haszeldine, S Harker and B Jones

Independent Co-opted Members

K Larkin-Bramley and N Vaulks

DURHAM COUNTY COUNCIL

At a Meeting of **Police and Crime Panel** held in Committee Room 1B, County Hall, Durham on **Monday 3 March 2014 at 11.45 am**

Present:

Councillor L Hovvels (Chair)

Durham County Council:

Councillors J Armstrong, D Boyes, P Brookes, S Forster, A Hopgood and A Willis

Darlington Borough Council:

Councillors S Harker, B Jones and N Vaulks

Independent Co-opted Members:

N Vaulks

1 Apologies for Absence

Apologies for absence were received from Councillors I Haszeldine and D Stoker and Ms K Larkin-Bramley.

2 Substitute Members

Councillor A Hopgood attended as named substitute for Councillor D Stoker.

3 Minutes

The Minutes of the meeting held on 3 February 2014 were confirmed by the Panel as a correct record and signed by the Chairman.

4 Declarations of interest

There were no declarations of interest.

5 Police and Crime Plan

The Panel considered a report of the Assistant Chief Executive which presented the Police and Crime Commissioner's revised Police and Crime Plan 2013-17 (for copy see file of Minutes).

The Commissioner presented his revised Police and Crime Plan for 2013-2017 and provided the Panel with information about the contents of the Plan.

Councillor B Jones referred to the priority of reducing hate crime and asked about the levels of hate crime and how it was identified as such. The Commissioner replied that although levels of hate crime were very low, there was concern that the level of reporting such crimes was low. Levels of hate crime were monitored and a coherent hate crime strategy now existed. Feedback received from the Hate Crime Action Group showed that more positive support was now being provided and confidence was growing.

Councillor B Jones then referred to the priority of tackling the harm caused to individuals and communities by alcohol and drugs and asked how this aligned to the views of the Chief Constable on the legalisation of drugs. The Commissioner replied that the Chief Constable did not advocate the decriminalisation of drugs but proposed the decriminalisation of being a drug addict, a view which the Commissioner supported. A lot acquisitive crime currently carried out was to feed the drug habit of addicts, and money from drugs purchases went into organised crime groups. If addicts were provided with drugs in drug consumption rooms, this would remove the need for acquisitive crime, reduce the risk of blood borne disease, reduce the chances of overdose and reduce the supply of money to organised crime groups. Additionally, the use of drug consumption rooms could lead to the rehabilitation of addicts.

Councillor Brookes, referring to hate crime, informed the Panel that this was most predicated upon ignorance and prejudice, the solution to which was partnership working for the education of communities. The Commissioner replied that Durham Agency Against Crime delivered such awareness packages into communities.

Councillor Boyes, while agreeing with the views of the Chief Constable and the Commissioner relating to drugs and organised crime, suggested that he Plan should include greater detail of actions taken regarding drugs and organised crime.

Councillor Hovvells informed the Commissioner that she was pleased that the impact that mental health issues had on services was included in the Plan and that the Commissioner was part of a national working group looking into mental health issues as part of the Association of Police and Crime Commissioners, to help to shape local and national policing development.

Resolved:

That the comments of the Panel on the Plan be fed back to the Police and Crime Commissioner.

6 Draft Protocol on Exercise of the PCC's Power under Section 38 of the Police Reform and Social Responsibility Act 2011

The Panel considered a report of the Assistant Chief Executive regarding a draft protocol between the Police and Crime Commissioner, Police and Crime Panel and

the Chief Constable on Exercise of the Commissioner's Power under Section 38 of the Police Reform and Social Responsibility Act 2011 (for copy see file of Minutes).

Resolved:

That the draft protocol be approved and that it be signed off by the Chair of the Panel, the Police and Crime Commissioner and Chief Constable.

The Chairman of the meeting was of the opinion that the following item of business was of sufficient urgency to warrant consideration because of the need to update Members on a funding application.

7 Medomsley Inquiry

The Police and Crime Commissioner provided the Panel with details of an application for funding in relation to the Medomsley Inquiry.

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DURHAM COUNTY COUNCIL

At a Meeting of **Police and Crime Panel** held in Executive Conference Room, Police Headquarters, Aykley Heads, Durham on **Tuesday 22 April 2014 at 12.00 pm**

Present:

Durham County Council:

Councillors J Armstrong, D Boyes, M Dixon and S Forster

Darlington Borough Council:

Councillor B Jones

Independent Co-opted Members:

Ms K Larkin-Bramley

1 Election of Chairman

In the absence of the Chairman and Vice-Chairman, it was **Moved** by Councillor Boyes, **Seconded** by Councillor Jones and

Resolved:

That Councillor J Armstrong be appointed as Chairman for the meeting.

Councillor J Armstrong (Chairman)

2 Apologies for Absence

Apologies for absence were received from Councillors P Brookes, S Harker, I Haszeldine, L Hovvels, D Stoker and A Willis and Mr N Vaulks.

3 Substitute Members

Councillor M Dixon as substitute Member for Councillor P Brookes.

4 Declarations of interest

There were no declarations of interest.

5 Proposed Appointment of the Police and Crime Commissioner's Chief Executive (Chief of Staff)

The Panel considered a report of the Assistant Chief Executive which provided information on the process to be undertaken to hold a confirmation hearing for the post of Chief of Staff and also considered a report from the Police and Crime Commissioner for the proposed candidate for the post of Chief Executive (Chief of

Staff) for the Police and Crime Commissioner for Durham (for copy see file of Minutes).

Mr Ron Hogg, Police and Crime Commissioner for Durham informed the Panel about the procedure and process undertaken for the appointment process to the post of Chief of Staff.

The Panel then questioned Mr Reiss via a telephone conference on issues around the following issues:

- The main areas of his expertise which would enable him to undertake the Chief of Staff role effectively;
- Who he regarded as the key stakeholders he would work with within the role and sought examples of working in partnership with a range of organisations, partnerships and agencies;
- His course of action if the Commissioner was preparing to do something he felt unwise;
- How he aimed to win the confidence of all key partners whilst maintaining personal integrity; and
- How he would ensure a constructive relationship between the Police and Crime Commissioner and the Panel was maintained.

Mr Reiss provided the Panel with full responses to all questions asked.

The Panel thanked Mr Hogg for his attendance and Mr Reiss for partaking in the telephone conference, and moved into closed session.

Resolved:

That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting for the following discussion on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the said Act.

The Panel discussed the Police and Crime Commissioners recommendation to appoint Alan Reiss as Chief of Staff. It was **Moved** by Councillor Boyes, **Seconded** by Councillor Jones and

Resolved:

That the Panel endorse the appointment of Alan Reiss to the post of Chief of Staff for the Police and Crime Commissioner for Durham Constabulary in accordance with the Police Reform and Social Responsibility Act 2011.



Durham Police and Crime Panel

24 June 2014

Durham Police and Crime Commissioner Annual Report 2013-14

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To consider the Durham Police and Crime Commissioner's Annual report 2013-14.

Background

- 2 Part 1, Chapter 3, Section 12 of the Police Reform and Social Responsibility Act 2011 requires the Police and Crime Commissioner (PCC) to produce an Annual report on:
 - the exercise of the PCC's functions in each financial year, and
 - the progress which has been made in the financial year in meeting the police and crime objectives in the PCC's police and crime plan.
- 3 The Act also requires that the Commissioner must attend a public meeting of the Panel, to present the report to the panel and answer the panel's questions on the report. The Commissioner is also required to give the panel a response to any report or recommendations on the annual report and publish any such response.
- 4 Appendix 2 of this report contains the Durham Police and Crime Commissioner's Annual Report 2013-14 for consideration by the Police and Crime Panel.

Recommendation

- 5 That the Police and Crime Panel consider information contained within the Durham Police and Crime Commissioner's Annual Report 2013-14 and comment accordingly.

Contact: Jonathan Slee, Overview and Scrutiny Officer Tel: 03000 268142
Jonathan.slee@durham.gov.uk

Appendix 1: Implications

Finance – The Annual report identifies resources which the Commissioner is to provide to the chief officer of police

Staffing – None

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – The Annual report is a key document for the Police and Crime Commissioner and will include objectives and achievements to reducing Crime & Disorder within the Force area.

Human Rights – None

Consultation – None

Procurement – None

Disability Issues – None

Legal Implications – The report is required in accordance with the Police Reform and Social Responsibility Act 2011.



RON HOGG

DURHAM POLICE & CRIME COMMISSIONER



Annual Report

2013-14



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Welcome/ Introduction



As Durham's first elected Police and Crime Commissioner I take enormous pride in my role in representing the people of County Durham and Darlington. I have now been in office for 18 months and this Annual Report sets out the progress I have made towards achieving my Police and Crime Plan priorities.

My vision for County Durham and Darlington is **"to achieve excellence in local policing and the highest levels of public confidence by working alongside communities and partners to address what matters locally"**.

There are many challenges to face in my quest to achieve this vision, the greatest being the reduction in financial resources available as the austerity period continues. Initially it was indicated that the austerity period would be drawing to an end at this time. However, the Government now report that it is likely to continue until at least 2020. The funding we receive from the Government has decreased year on year, and when moving into 2014-15 a further cut of £4.2 million has been made. The force has responded well so far by delivering huge efficiency saving exercises and will have to deliver more over the next few years. It is going to be a challenge and things will get tough but it is a storm we have to weather.

Despite difficult times, I am happy to report that County Durham and Darlington remain among the safest places to live, work and visit in the country. Although during the last 12 months there has been a 10% increase in recorded crime compared to the previous year, crime levels remain similar to the low levels of the early 1980s and Durham Constabulary still has one of the lowest recorded crime rates in England and Wales.

In my first Police and Crime Plan I set my objectives in the form of my personal and community priorities. These priorities are designed to aid the achievement of my vision. During my time in office good progress has been made towards the fulfilment of the

priorities and accordingly I have not changed these for the refreshed Police and Crime Plan which I have published for 2014-15.

Throughout 2013-14 I have regularly been out and about in our communities and met with the people I represent. I have formally met with my Community Panels and I plan to build upon this and engage with even more of our citizens during 2014-15. A valuable part of my role is ensuring that I listen to your views, issues and comments.

I am thankful for the ongoing commitment of officers, staff and PCSOs alike. However, the police alone cannot fight crime. I am grateful to our partners and communities across County Durham and Darlington for working together in partnership to achieve our policing priorities and improve our communities. Together we can make a difference.

Performance

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Durham Constabulary has seen year-on-year reductions in recorded crime between 2006 and 2013 which resulted in a 44% fall in offences and almost 24,000 fewer crimes.

During 2013-14 there has been a 10% increase in crime compared to the previous year. Whilst this is not the result we would have wished for, the Constabulary will be making every effort to bring crime levels down. It should be kept in mind that crime levels remain similar to the low levels of the early 1980s and Durham Constabulary still has some of the lowest recorded crime rates in England and Wales. County Durham and Darlington remains one of the safest places in the country to live, work and visit. We have detected more crimes this year and continue to have some of the best performance for investigating crime in the country.

We continue to put victims first, investigating and solving crime and community problems. This is reflected in the excellent feedback we have received from victims. In the 12 months to the end of March 2014, 88% of victims were satisfied with the overall service provided by the force when dealing with their incident. This is one of the highest in the country.

Victims are also satisfied with the ease at which they can contact the force (98%), with the action

officers take in dealing with their incident (89%) and the treatment they receive (97%).

The increase in crime largely relates to drug offences, violent crime, sexual offences and theft. We have seen an increase in the number of recorded drug offences. Some of this is due to members of the public being more confident to report these crimes and provide us with vital information. 'Operation Sledgehammer' has continued to actively target and remove drug dealers from our streets, reducing the harm that these individuals cause to our communities.

The increases in violent crime and sexual offences largely relates to a higher volume of historical incidents that are being reported in response to the Jimmy Savile investigation. Durham Constabulary's investigation of the Medomsley Detention Centre illustrates that victims are now confident to come forward. We will continue to deal with such crimes effectively and sensitively, ensuring that the victim remains at the heart of everything we do.

The increase in theft (and stealing) offences is predominantly in relation to shoplifting where the most commonly stolen items are food, toiletries and clothes. However, people in our communities are now less likely to be victims of household burglary or to have property stolen from their vehicles.

During 2013/14, Durham Constabulary solved almost 1,300 more crimes than in 2012/13 resulting in an overall solved rate of 38%. Other

rates are generally similar to those of 2012/13 giving Durham some of the best solved rates nationally.

Durham Constabulary continued to see reductions in anti-social behaviour incidents with when compared with 2011-12. This is reflected in both incidents of alcohol-related and youth-related anti-social behaviour which have fallen by 33% and 28% during the same period, respectively.

In my Police and Crime Plan I have set the following three indicators for performance:

Indicator	2012-13	2013-14
Crime - Victim based police recorded crime	26,537	29,303
Public Confidence The police are dealing with ASB and crime issues that matter in the area	73%	75%
Taking everything into account I have confidence in the police in this area	74%	75%
How good a job do you think the police are doing in your area	60%	61%
Victim Satisfaction % of Victims satisfied with whole experience	89%	88%

To reduce the impact of domestic abuse, particularly violence against women and girls

The past 12 months have seen a range of activity in relation to this priority:

Domestic Abuse Seminars

In April 2013 I held my first Domestic Abuse Seminar. The purpose was to identify gaps in service delivery and create mechanisms where partner organisations can work better together in the future. The ultimate goal is to improve outcomes for those vulnerable to this form of abuse and to increase confidence for individuals to report incidents, instead of suffering in silence.



The seminar was well attended by approximately 90 representatives from a broad range of organisations, including public and voluntary sectors, victim services and community groups.

Volunteers from across the organisations agreed to work together over the coming year in small

groups to take the identified actions forward, and maintain the momentum of service improvement.

In February 2014 I held my second Domestic Abuse Seminar in partnership with the Constabulary and both Community Safety Partnerships.

This joint event marked the launch of a new local 'Love is many things... (but never abusive)' campaign to raise awareness of abuse in LGBT (Lesbian, Gay, Bisexual and Transgender) relationships

The event was aimed at continuing to raise awareness of domestic abuse and sexual violence locally within County Durham and Darlington. Participants had the opportunity to learn more



about what is being done locally to prevent these types of crimes and how victims and survivors are being provided with the support they need to move forward and rebuild their lives. Attendees also heard how perpetrators of this kind of crime are being brought to justice.

White Ribbon Campaign

On the 13th July 2013 to show how serious I take this issue I was joined by the leader of Darlington Borough Council, Bill Dixon, the Bishop of Jarrow, Mark Bryant, and the town's Deputy Mayor, Gerald Lee on a sponsored walk in Darlington.



The walk was organised by the Darlington Housing Action Group to raise awareness of the White Ribbon campaign, which is an initiative that seeks to prevent violence against women and girls.

I took part in the walk in a pair of ladies heeled shoes to show my support for the campaign and for Darlington Borough Council who have applied for White Ribbon Status, which would highlight the town as one which strives to prevent domestic violence.

Durham Women Rising

On Valentine's Day 2014, women and girls from across the North East joined a major global campaign to end violence against their peers by staging a variety of events in Durham City, and thereafter across the wider region.



I was delighted to be involved in the event and spoke to members of the public about my policing

priorities and how I am working with partners to reduce the impact of domestic abuse.

Campaign to help men and women recognise the signs of domestic abuse

The project has been recently launched by the Prooptimist International of Darlington and District Group, drawing attention to ways of recognising the signs of unacceptable behaviour in a relationship.

The 'Loves Me, Loves Me Not' list was created and printed on over 13,000 bookmarks and posters which have been distributed to schools, doctors, and dental surgeries, colleges and public buildings around Darlington. The bookmarks and posters were designed to appeal to both male and female victims of domestic violence.

Funding for the project came from a request made by the late Betty Herman, a long-serving member of the club to my Community Safety Fund along with the Domestic and Sexual Abuse Network (DASAN).

Regional PCCs join forces to tackle violence against women and girls

I have worked with the other Police and Crime Commissioners in the region, Northumbria's Vera Baird, and Cleveland's Barry Copping to launch the first ever regional strategy to tackle violence against women and girls.

Together we have devised a 20-point plan to provide support and protect women and girls who are victims of physical or emotional violence or abuse.



helped to safety. A substantial number of Domestic and Sexual Violence and Abuse Champions will be identified.

Other plans include establishing a Police Rape Scrutiny Panel in each force area to scrutinise case files which have failed to attain the requisite evidential level for prosecution, or, where a prosecution has failed, to see what lessons can be learned.

The Violence Against Woman and Girls Strategy, with a foreword written by Shadow Home Secretary Yvette Cooper, follows months of consultation with a range of partners and the North East Women's Network. It contains pledges around:

- Domestic and sexual violence and abuse
- Human trafficking and sex work
- Forced marriage and so-called honour crimes
- Harassment and stalking
- Female genital mutilation

I believe that we have produced a strategy which can drive forward major improvements in service delivery, and which most importantly will deliver better outcomes for victims.

Also included in the priorities is a strategy for employers - 'Domestic and Sexual Abuse and the Workplace' – seeking to ensure anyone affected can find confidential support at work and be

To reduce the impact of hate crime

The past 12 months have seen a range of activity in relation to this priority:

Hate Crime Seminar

I held the first of my Hate Crime Seminars on 18th April 2013. Approximately 80 representatives from



a broad range of organisations including, public and voluntary sectors, victim services and community groups contributed to the event. The 6 areas

covered included Sexual Orientation, Gender Identity, Race Belief and Faith, Disability, Gypsy Roma Travellers and Learning Disability.

I am pleased to say that Durham Constabulary is now recording offences motivated by hatred for members of alternative cultures, such as goths, emos and punks. I believe that correctly recording such incidents as hate crime will be an important step in tackling the abuse and oppression of vulnerable minorities.

I have planned a follow up seminar for June 2014 to review how actions identified at the event have progressed.



Working with partners to reduce the impact of hate crime

Work with Independent Advisory Groups

The Constabulary have a series of Independent Advisory Groups (IAGs), which represent the diverse sectors of our communities including:

- Black Minority Ethnic (BME) IAG
- Lesbian, Gay, Bisexual and Transgender (LGBT) IAG
- Disability IAG



The groups are made up of individuals from these diverse sectors who volunteer their time and

knowledge to examine various issues and opportunities for people within these communities across the force area.

I am grateful to these individuals for the valuable work and effort that they contribute for the benefit of our communities, for raising awareness of our diverse communities and for being active volunteers in tackling related issues on behalf of the public.

Hate Crime Events – East Durham College

In March 2014 I supported the work of the IAGs and the Constabulary as they joined forces with East Durham College to help raise awareness of hate crimes amongst local young people and to help reinforce positive messages to students and staff at the College

The two events, held across the College's Peterlee and Houghall Campus', were a big hit with over

1000 students participating. The events consisted of a number of different interactive sessions including talks from IAG



members as guest speakers on racial hate crime, LGBT hate crime, and disability hate crime. The events were so successful that the College have committed to running them every two years to ensure that all students get the opportunity to participate. Throughout 2014 it is planned to roll out similar events across other higher education establishments.

Victims of Hate Crime urged to speak out

In October 2013 I urged victims of hate crime to speak out following press reports of a rise in the number of these crimes. It is reassuring to hear that victims are becoming more confident in reporting hate crime, and I urge all victims not to be afraid to come forward and want to assure them that all reports will be dealt with very seriously. My ultimate goal is to reduce the incidence of hate crime and to increase confidence for individuals to report them.

Show Racism the Red Card

In November 2013 I took part in a Show Racism the Red Card event at St James' Park in Newcastle Upon Tyne to help teach young people the dangers of racism.

Pupils from Catchgate Primary in Stanley, Co Durham and Canning Street Primary in Newcastle also attended to take part in a range of anti-racism

workshops as well as watching a screening of a show Racism the Red Card film.

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This was an excellent event and I would like to say well done to all of the young people who attended.

They participated well and they were able to gain a better understanding of the negative effects of racist behaviour and belief. I am confident it will help to prepare young people to play an active role as good citizens in a multi-cultural society.

reporting means increased confidence. The scheme will be formally launched at the Hate Crime Seminar in June 2014.

Hate Crime Resource Pack

I have provided funding to Durham Agency Against Crime for a Hate Crime Resource Pack which will include a DVD and lesson plans to be used by various partners to deliver educational workshops to young people across County Durham and Darlington. The resource pack will officially launch in 2014-15.

Community Hands

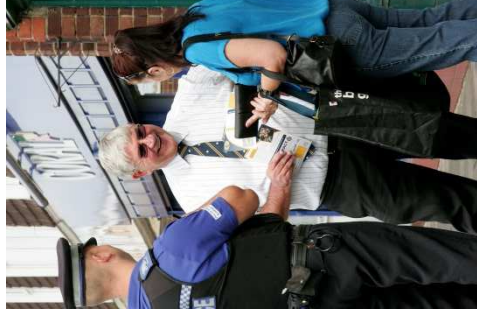


Members of the Disability Independent Advisory Group have been busy setting up a volunteer advocate scheme to help those who have had or are having problems with hate crime. I am fully supportive of this excellent scheme and thank the volunteers for working tirelessly to get this innovative scheme up and running. The volunteer advocates will meet with the clients and listen to their concerns, and help them to report, which is always a good thing; increased

To improve engagement with local communities across the Constabulary area

I have been working hard to engage with and listen to the communities across County Durham and Darlington, not just through formal engagement and consultation

activities but also by getting out and about and meeting with as many of you as possible. I have attended Town and Parish Councils and Meetings, Residents Associations, Area Action Partnership Meetings and other specialist groups. I



have also spoken to groups of students in schools and colleges, I have hosted seminars on priority topics, visited PACT meetings and held street surgeries and walkabouts. I have also held joint surgeries with my MP colleagues.

I also meet regularly with key partners across the Constabulary area to ensure that we are all working together. These include meetings with the Leaders and Chief Executives of both local

authorities, and representatives from the other Criminal Justice system agencies, such as the probation service and the prisons.

Engagement Strategy

During 2013-14 I have developed a joint engagement strategy with the Constabulary for delivery from April 2014 onwards. We firmly believe that effective engagement is essential for us to be able to deliver the high quality policing services that meet the needs of the community.

We aim to achieve effective and inclusive engagement with every community in County Durham and Darlington. We will ensure that you have the opportunity to be involved with shaping and developing policing services through consultation, listening to your views and working with you to solve your problems.



Durham Police & Crime Commissioner's

I hope you have had or will take the opportunity of reading my monthly newsletters which I send to the members of my community panels and locally elected councillors and which I publish on my website.

In addition to the newsletters, in January/February 2014 I invited panel members to meet with me to hear about the activity I had undertaken during my first year in office. We also discussed the policing priorities and the proposed budget and council tax level.

As well as my first face to face meetings with the community panels I have entered into the virtual world and have started to undertake 'online' panel meetings where panel members submit topics for discussion.

Get Involved

Moving into 2014-15 I will be undertaking formal consultation on a variety of topics including:

- My priorities/ objectives for 2015-16
- The Council Tax level for 2015-16

If you would like to be involved in my community panels please contact my office. Contact details are included on page 17 of this report.

To tackle anti-social behaviour

Anti-social behaviour is any selfish activity which is a nuisance, intimidating, destructive or adversely affects someone else's quality of life. Much of the activity that has been undertaken in this area ranges from financial support for youth diversion schemes such as the 4motion Skate Park in Darlington, Sacriston Youth Club and the YMCA Y-Skate project. Of the funding I provided to the Safe Durham Partnership a proportion was used for posts within Neighbourhood services for Anti-Social Behaviour Officers.

Many people speak to me about anti-social behaviour issues and the impact it has upon their life and I help where I can. I have attended and participated in events, such as a community litter pick initiative at Grange Villa which was originally requested by young people themselves and I was delighted to see first-hand how residents of all ages have come together for the betterment of their community.

Biting Back at Loan Sharks

I gave my full support to a campaign launched by Durham Constabulary against loan sharks in



Shotton Colliery last July. The campaign was aimed at encouraging people to turn away from

loan sharks and to report the matter if they have been a victim.

The signing of the 'stopping loan sharks' charter in partnership with the Constabulary, Durham County Council, Darlington Borough Council and the National Illegal Money Lending Team, sends out a clear message. Loan sharking will not be tolerated across County Durham and Darlington. We want our communities to feel safe and confident.

Cyberbullying Competition

This was a competition I held to design a logo against cyberbullying. The purpose of this competition was not just to design a logo, but to also get young people talking together, and with their teachers, about the dangers of cyber bullying and the effect this can have on victims.



With more and more reports in the media nationally of young people being targeted over the internet by bullies, it is important that we work together to keep our young people safe.

Local safety carousels

Year 6 pupils from County Durham and Darlington joined Durham Constabulary and

partner agencies in the annual safety carousel in November 2013. This is a fantastic example of partners working together and helping to keep our children safe.

The pupils had the opportunity to take part in six fun interactive workshops, which included home fire safety, arson awareness, electricity safety, water safety, first aid and cyberbullying. The cyber bullying session was particularly important and was well received by all the children who now have a clearer idea of what cyber bullying is all about. I'd like to give my appreciation to those who delivered the sessions.

Community Remedy

The Community Remedy is being introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (sections 101-103). The Community Remedy document is a list of actions which can be chosen by the victim, for the perpetrator to undertake as a consequence of their behaviour or offending.

Restorative approaches and informal interventions can play a significant role in tackling anti-social behaviour and low level crime, providing an effective way of resolving problems.

The Community Remedy document for County Durham and Darlington will be used when a community resolution, conditional caution or youth conditional caution is the chosen disposal.

The Community Remedy document is being developed and will be consulted upon and finalised during 2014-15.

To tackle the harm caused to individuals and communities by alcohol and drugs.

This priority is about reducing underage drinking, excessive alcohol consumption, dealing with licensing issues and irresponsible retailing, drug taking and drug dealing. There is some excellent partnership working taking place across County Durham and Darlington to tackle these issues.

Minimum Unit Pricing



I have worked with my regional PCC colleagues in Cleveland and Northumbria to lobby and support

Balance North East (Regional Alcohol Office) in the quest for minimum unit pricing for alcohol. My colleagues and I believe there is a direct link between cheap alcohol pricing and crime and disorder. During 2010/11, over £300m was spent clearing up alcohol related crimes in the North East. It is a major cause of concern to communities and residents across our region. The evidence for Minimum Unit Pricing is established. We are now asking the Government to do what is right and introduce a minimum price.

Know your limits

Over the festive season I urged people to 'know your limits' and opt for responsible drinking and to look out for each other, particularly for those who may become vulnerable and are therefore most at risk.

Dry January

I was supportive of the Dry January campaign which encourages people not to drink, alcohol for the month of January. The campaign aims to highlight the benefits of cutting down on alcohol – you'll sleep better, have more energy, better skin, save money and could lose weight.



In showing my support I participated in a dry pub crawl organised by Darlington Borough Council with colleagues from the Constabulary and Balance to show that you don't need to have a drink to enjoy a night out.

Decriminalisation of drug addicts

You may be aware that throughout the last few months the Chief Constable and I have attracted lots of media attention regarding our shared view on the decriminalisation of drug addiction.

It is no secret that Organised Crime Gangs control the illicit drug supply market and that the majority of the monies being made by organised criminals are from drugs. It is with this in mind that we must consider different approaches by stemming the

opportunities available to the suppliers and treating the addict as a victim and not a criminal.

In my view, providing drug consumption rooms where addicts can receive their drugs in a safe and secure environment, whilst being actively helped to reduce their dependency, can only be a good thing.

What I am suggesting is nothing new. Heroin has been prescribed in the UK since 1926, although not on the scale I am suggesting. Together we can take the demand out of this market, and remove the opportunities from dealers. Of course, education of the risks of drug taking and support for those who succumb is one of the key elements of this approach.

Furthermore, I would like to re-assure you that Durham Constabulary has a good track record in tackling organised crime groups and dealing with the illicit drugs trade.

To improve road safety

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This priority seeks to improve road safety by tackling careless and dangerous driving, speeding, illegal or inconsiderate parking, mobile phone use when driving and other inappropriate behaviour.

There has been lots of activity in relation to this priority and I have welcomed changes to legislation around dangerous driving, participated in numerous community speed watch initiatives, worked to reclaim footpaths, dealt with parking issues and supplied funding to the neighbourhood



policing teams for laser speed guns for deployment in speeding hotspots. I am an active member of

the Road Casualty Reduction Partnership where partners meet to discuss this important topic.

Campaign to reclaim footpaths for pedestrians

Throughout the year I have had an ongoing campaign to regain the footpaths for pedestrians. I have urged drivers to be considerate when parking on public footpaths. I have undertaken walkabouts in a variety of locations including Shildon and Barnard Castle.

Over recent months concerns have been raised by pedestrians in County Durham and Darlington who feel that in some instances, their safety is being

compromised due to footpaths being blocked by cars or vans. This can be especially hazardous for the elderly and disabled, or for those with pushchairs or with children.



As part of this ongoing campaign I have also urged adult cyclists to be considerate when using public footpaths. It is encouraging that

more people are using their bicycles as it is a sustainable way to travel, healthy and a much cheaper alternative to cars.

However I urge cyclists to be considerate when using their bikes and to leave cycling on footpaths for children.

Road Safety near schools

I feel strongly that our children should be able to arrive at and depart from school safely. I would ask all drivers in the vicinity of schools at these key times to take additional caution and to reduce their speed. It is also important to park with care and consideration. The work I am doing with partners to tackle parking near to schools will increase as we move into 2014-15 as I have a series of planned activity to highlight this issue.

I am also campaigning to have 20mph speed limits introduced in the vicinity of schools.

Linked to this issue I gave my support to a new initiative aimed at using CCTV (closed circuit



television) cameras to reduce parking problems around schools.

This is happening elsewhere in the country, and I am in full support of this approach. I look

forward to seeing whether or not this encourages people to park further away from school instead of inconsiderately blocking footpaths, or illegally parking on double yellow lines.

Community Speedwatch

I have attended several community speedwatch initiatives across the Constabulary area. The Community Speedwatch projects involve partnership working between the police, local councils, and local residents to identify local speeding hotspots. The speedwatch sessions are carried out to measure and address the problem.

Community speedwatch is a great way for local residents to be actively involved in addressing concerns about vehicle speeds in their area. It's about education rather than enforcement and helps to make drivers realise the error of their ways when they ignore a speed restriction.

To make our policing services visible and accessible at all times

When I am out speaking to residents a reoccurring theme is the visibility of the police. This priority is very important to both myself and the Chief Constable, and some of the ways we are working to ensure that we are more visible are:

Joint premises venture

In December 2013 in partnership with Durham and Darlington Fire and Rescue Service we embarked on our first joint premise venture. This collaboration, believed to be one of the first in the country, sees our local policing teams working from Newton Aycliffe Fire Station, a move that which will save over £70,000 per year.

So not only are we giving the people of Newton Aycliffe a town centre presence that they want, but we are also saving money compared to the cost of renting the previous location at Parson's Court on the industrial estate out of town. We are also building on the excellent working relationship we have with our colleagues within the fire service who have been extremely supportive of this initiative.

Launch of volunteer police cadet scheme



An exciting new volunteer police cadet scheme has started in Darlington. The scheme, which will be run by Durham Agency

Against Crime (DAAC), which boasts national and regional recognition for its other very successful youth engagement projects, launched in Darlington, recruiting 15 young people aged 13-17 yrs old to take part in an action-packed programme covering education workshops, community support and help, problem solving local issues and activities including the Duke of Edinburgh Award.

This is a very promising scheme which supports our strategy to engage with young people and also recognises the tremendous contribution that young people make to communities. The scheme will eventually be rolled out across County Durham.



Volunteering

I am encouraged by the increasing number of volunteers across the constabulary area, ranging from the Special Constabulary, volunteers from the community and the Neighbourhood Watch Network. This extended 'police family' helps the constabulary to work effectively at all levels in local communities, tailoring the service to match local needs and finding long term solutions to local issues.

Within the force I have supported a campaign which successfully recruited a further 29 'special constables'. In total, the Constabulary now has over 100 Specials, who all play a vital role and enable us to maximise the number of visible officers we have in our neighbourhoods. I am also championing Neighbourhood Watch and the vital role those volunteers play within our local communities and the reassurance they help to provide. We are very lucky to have over a third of all our households in County Durham and Darlington covered by a Neighbourhood Watch scheme. This is one of the highest coverage rates the country.

Independent Custody Visitors

I am responsible for maintaining an Independent Custody Visiting Scheme whereby trained volunteers visit police stations to check on the welfare and treatment of detainees. It offers protection to both detainees and the



police, and reassurance to the community at large. There are currently twenty four custody visitors who fulfil this role.

Further details of the scheme can be found on my website at:

<http://www.durham-pcc.gov.uk/GetInvolved/Independent-Custody-Visitors.aspx>

Partnerships and Cooperation

Effective partnership working is essential in helping me to achieve my priorities, as many areas of policing and crime cannot be tackled by a single agency. For example anti-social behaviour needs a coordinated approach from a range of partners to ensure that effective and sustainable solutions can be found.

During 2013 we developed some excellent partnership working in relation to Hate Crime, Domestic Abuse and the Violence Against Women and Girls Strategy.

My aim is to continue to encourage and assist partners to work more closely together and to bridge gaps in service delivery throughout County Durham and Darlington. I expect this work to continue throughout 2014 to maximise the opportunities and improve the outcomes.

Inspection

During 2013-14 the Constabulary has been inspected by HMIC (Her Majesty's Inspector of Constabularies) in a number of areas which have been positive in their assessment. These areas are:

- Neighbourhood Policing
- Domestic Abuse
- Valuing the Police (3)

These inspections are an important part of local policing, ensuring external validation of key areas of police activity.

Finance and Resources

Budget

I am responsible for setting the police budget, and I face significant challenges ahead, due to the continuing austerity measures imposed by Central Government. I am committed to ensuring our communities receive value for money by ensuring that the budget available to us is used in the most effective way.

The budget I set for 2013-14 was balanced without relying upon the use of reserves, with a Council Tax precept increase of 1.99%. I have continued with this principle whilst preparing the budget for 2014-15, which again required a Council Tax increase of 1.99%. With the support of the Chief Constable the proposed precept increase was presented to the Police and Crime Panel in February 2014, where panel members agreed the increase. This increase will add 6p per week (£3.11 per year increase) to the average Band D property Council Tax bill. The increase will only raise £480,000.

I am very conscious of the challenge that people face in terms of their household finances. I have taken this decision due to the simple fact that we are losing over £4m a year as a result of cuts in government funding.

I have worked with the Constabulary to update our projected financial position over a five year period. The projections in the plan will require some difficult decisions. However, the past practice of trying to 'keep ahead of the curve' in terms of delivering savings puts our budget in a relatively strong position as a basis for planning ahead.

The unaudited year-end financial outcome for 2013-2014

Budget Heading	Original Budget 2013-14 £'000	Revised Budget 2013-14 £'000	Actual Spend 2013-14 £'000	Variance Under / Over £'000
Employees	100.5	100.5	100.3	0.2
Premises	4.9	4.9	4.6	0.3
Transport Expenses	2.8	2.8	2.6	0.2
Supplies & Services	7.9	7.9	8.5	-0.6
Others	7.7	7.7	9.1	-1.4
Income	-2.8	-2.8	-5.5	2.7
Reserves	-1.5	-1.5	-0.1	-1.4
Net Expenditure	119.5	119.5	119.5	0.00
Central Govt Funding Precept	-94.8	-94.8	-94.8	0.00
Net (Surplus)/ Gap	-24.7	-24.7	-24.7	0.00
	0.00	0.00	0.00	0.00

Collaboration

Providing better public services with less money was a key theme of the Government's last Comprehensive Spending Review. This included a requirement upon Police and Crime Commissioners and police forces to deliver greater value for money policing services, while at the same time maintaining or improving upon current performance. One of the solutions encouraged by the Government was enhanced collaborative working between forces and other public sector or private sector partners.

The Constabulary is currently an active partner in more than 80 separate initiatives for collaborative working with partners. Some of the most significant projects relate to firearms and roads policing and tackling serious and organised crime. There are also a number of national collaborative initiatives where the Constabulary is an active partner, the most notable being Operation Tornado, which is the national response to the issue of metal theft. The jointly agreed approach of the Chief Constable and myself is that collaboration with one or more partners within clusters, other than for local policing, will be considered in all areas of business as part of a range of options to address the threats identified across County Durham and Darlington.

Currently around 9% of our overall expenditure is spent in connection with collaborative initiatives and we are working with more than 20 strategic partners.

Value for Money (VFM)

Value for Money is important to each of us and is considered when we make decisions that will impact on the lives of ourselves, our families and our community. VFM has the same level of importance to the police service when it is delivering services to the community of County Durham and Darlington. It is the way that we consider what services are needed by our communities and measure the outcomes from that service delivery. VFM drives the process that ensures the appropriate resources are applied to each service area, enabling the Force to respond promptly and effectively to emerging priorities.

Governance arrangements exist with the Force to ensure that VFM is monitored and delivered across the breadth of the Constabulary's services.

Assets

In 2013 I approved the Estates Capital Programme for the force area as set out in the 2013/14 Medium Term Financial Plan (Budget Book), which can be found on my website at: <http://www.durham-pcc.gov.uk/Finance/Financial-documents-and-reports.aspx>

During the summer of 2014 the Constabulary will move into the new police headquarters on the Aykley Heads site. This new building is estimated to save over £750,000 per year in running costs, as it will have a much smaller footprint and will be more efficient in the use of resources.

Staff

During 2013 I undertook a staffing review in my office and have reduced the number of staff to the equivalent of 5.6 full time staff. This, along with other savings, has reduced my annual spending by £200,000. I am committed to having a lean structure with multi-skilled personnel. In addition to the staff employed within my office, I am using seconded staff from partner organisations to carry out specialist roles and I plan to offer business apprenticeships and internships to graduates.

Commissioning

In my role as Police and Crime Commissioner I am responsible for commissioning a range of community safety services utilising funding streams which were previously directed to local authorities and other agencies.

Throughout 2013-14 I have developed a commissioning framework for investment and distribution of Community Safety Grants. For 2014-15 I decided to award a proportion of the funding to the Community Safety Partnerships,

Youth Offending Teams and the Drug and Alcohol Action Teams. I have awarded the funding on the condition that these partnerships apply the funding towards the achievement of my priorities. The available funding has been reduced by 25% compared to the funding I was able to allocate last year, however I do expect these partners to challenge themselves and achieve or even exceed current performance and identify areas where savings could be made next year.

The remaining proportion of the fund will be used to create a 'Community Safety Fund Pot' to which organisations including those in the voluntary and community sector can bid for funding where they think that they can give added value and help to achieve my personal and community priorities.

From April 2014, I am in receipt of funding to commission victim services. I have established a mechanism to ensure that this funding is spent in line with government guidelines and to assist in the achievement of my priorities..

For further information about the funding available and the process for applying please contact my office or details can be found on my website:

<http://www.durham-pcc.gov.uk/Finance/Commissioning.aspx>

Contact Information

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<http://www.youtube.com/user/DurhamPCC>



<http://www.flickr.com/photos/durhampcc/>



<https://audioboo.fm/DurhamPCC>



RON HOGG
DURHAM POLICE & CRIME COMMISSIONER



Durham Police and Crime Panel

24th June 2014

Hate Crime

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide Members of the Police and Crime Panel with supporting information on a presentation to the Panel's meeting on the approach to tackle Hate Crime.

Background

- 2 At its meeting on 3rd March 2014, the Panel considered and responded to a refresh of the Police and Crime Commissioner's Police and Crime Plan. Tackling Hate Crime is a personal priority identified by the Commissioner within both the refreshed and previous Police and Crime plan.
- 3 The Panel's response to the Commissioner noted the harrowing effect hate crime can have upon its victims and that this is often predicated by ignorance and prejudice and would encourage greater education as an element to address hate crime. Within its response the Panel requested a specific report on activity to address hate crime.
- 4 Following a Hate Crime Seminar in April 2013, hosted by the Commissioner a County Durham and Darlington Hate Crime Action Group was established. The Group is chaired by Chief Superintendent Graham Hall and working with partners, agencies and volunteers is developing a Hate Crime Action Plan that covers the following work streams;
 - Accuracy of police recording for hate incidents
 - Satisfaction survey
 - Networks 'Safe places'
 - Support services network
 - Communication strategy
 - Community education – Increased awareness hate incidents
 - Community Hands Project (volunteer support for hate crime victims)
- 5 Within this context, a presentation will be provided to Members outlining actions and activity of the group on the above areas and feedback following a second Hate Crime seminar held in June 2014 that included presentations

from paralympian Stephen Miller, Show Racism the Red Card, Victim Support and work of volunteers within the action group.

Recommendation

- 6 That the Police and Crime Panel asked to note information contained within the report and presentation and comment accordingly.

Contact: Jonathan Slee Tel: 03000 268142

Appendix 1: Implications

Finance – None

Staffing – None

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – Information within the report is focused on tackling hate crime.

Human Rights – None

Consultation – None.

Procurement – None

Disability Issues – None

Legal Implications – None

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Durham Police and Crime Panel

24th June 2014

Police and Crime Panel Work Programme 2014/15

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

1. To provide information to Members of the Police and Crime Panel (PCP) and seek agreement to the Panel's Work Programme for 2014/15.

Background

2. The Panel's rules of procedure state that the PCP will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner (PCC) within the context of the Police and Crime Plan and Annual Report. The work programme must also include the functions described in the terms of reference for the panel.
3. The work programme will enable the PCP to plan and focus on how it will effectively provide challenge to the PCC and deliver its responsibilities within the context of the terms of reference and rules of procedure namely:
 - Review and comment on the Draft Police and Crime Plan and Precept
 - Reviewing the PCC's Annual Report
 - Holding confirmation hearings following a proposed appointment by the PCC to the posts of Chief Constable and Deputy Police and Crime Commissioner, Chief Executive Officer and Chief Finance Officer within the Commissioner's Office.
4. The Panel can also establish 'Sub Committees and Task Groups' to undertake specific task based work on issues it deems necessary in line with its remit.
5. Within this context the following table below outlines a work programme for 2014/15. It is to note that the work programme is to be flexible to enable additional items to accommodate items throughout the year. The panel may also be required to hold confirmation hearings to the posts identified within paragraph three within three weeks of a proposed candidate by the PCC.

Date & Time	Suggested Items for Work Programme
24 th June 2014 Committee Room 1A, County Hall, Durham	<ul style="list-style-type: none"> • AGM – Appointment of Chair & Vice Chair • Police and Crime Commissioner's Annual report • Hate Crime • Co-opted Independent Members • PCP Work Programme report • HMIC Inspection Reports • Home Affairs Committee report • Protocol for Section 38 of the Police Reform & Social Responsibility Act 2011
Tuesday 28 October 2014 1.00 pm Committee Room 1A, County Hall, Durham	<ul style="list-style-type: none"> • Progress Update on Police and Crime Plan • Budget Update • Co-opted Independent Members
Thursday 4 December 2014 1.00 pm Committee Room 1A, County Hall, Durham	<ul style="list-style-type: none"> • Precept setting process
Tuesday 3 February 2015 10.00 am Committee Room 1A, County Hall, Durham	<ul style="list-style-type: none"> • Police and Crime Commissioner's Proposed Precept for 2014/15 • Report on review of PCC/PCP MOU and Joint Working arrangements with PCP and Overview and Scrutiny Committees
Tuesday 3 March 2015 10.00 am Committee Room 1B, County Hall, Durham	<ul style="list-style-type: none"> • Police and Crime Plan (Provisional)

Recommendation

- 6 That members of the Police and Crime Panel consider information within this report and agree a work programme for 2014/15.

Contact: Lorraine O'Donnell, Assistant Chief Executive Tel: 03000 268060
Lorraine.odonnell@durham.gov.uk
Jonathan Slee, Overview and Scrutiny Officer Tel: 03000 268142
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Appendix 1: Implications

Finance – None

Staffing – None

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – This is a key focus of the work of the panel reflected in its work programme.

Human Rights – None

Consultation – None

Procurement – None

Disability Issues – None

Legal Implications – Information with this report aims to achieve the Panel's responsibilities in line with the Police Reform and Social Responsibility Act 2011.

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Durham Police and Crime Panel

24th June 2014

Protocol for Section 38 of the Police Reform & Social Responsibility Act 2011

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To present for consideration by Panel Members, a protocol between the Association of Police & Crime Commissioners (APCC) and the Chief Police Officers' Staff Association (CPOSA) for Section 38 of the Police Reform and Social Responsibility Act 2011.

Background

- 2 Section 38 of the Police Reform and Social Responsibility Act 2011 Act includes powers for the Police and Crime Commissioner to call upon the chief constable of the police force for that area to resign or retire. Schedule 8 of the Act requires the PCC inform the Panel of the reasons to call upon the resignation or retirement of the chief constable.
- 3 At its meeting on the 3rd March 2014, the Panel agreed a protocol (Appendix 2) between the Police and Crime Panel, Police and Crime Commissioner and the Chief Constable to ensure transparency and fairness and sets out a process and procedures which will be followed by the Commissioner in the event that he is contemplating the exercise of his power under section 38 of the Act.
- 4 Following the Panel's meeting, a national protocol on Section 38 of the Act, attached in Appendix 3 has been agreed between the Association of Police & Crime Commissioners (APCC) and the Chief Police Officers' Staff Association (CPOSA).
- 5 In summary, both protocols are very similar with exception that the national protocol includes mediation. The national protocol, together with the Durham Protocol was considered by the Chief Constable and PCC at a meeting of the Constabulary's Executive Board in April 2014 and recommended that Panel give consideration to the national protocol to be attached as an addendum to the existing Durham protocol on Section 38 responsibilities.
- 6 The Police and Crime Commissioner will be in attendance at the Panel's meeting to respond to questions from Panel Members.

Recommendation

- 1) That the Police and Crime Panel consider information within the report and Appendices 2 and 3.

- 2) That the Police and Crime Panel agree to include the national protocol in appendix 3 as an addendum to the existing Durham Protocol on Section 38 responsibilities of the Police Reform and Social Responsibility Act 2011.

Contact: Jonathan Slee Tel: 03000 268139

Appendix 1: Implications

Finance –

Staffing – The report includes information on the role of the Panel should the PCC call upon the Chief Constable to resign or retire.

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – None

Human Rights – None

Consultation – None.

Procurement – None

Disability Issues – None

Legal Implications – information within the report is focused on Section 38 of the Police Reform and Social Responsibility Act 2011.

**DURHAM POLICE AND CRIME
COMMISSIONER**

AND

DURHAM POLICE AND CRIME PANEL

AND

CHIEF CONSTABLE OF DURHAM

PROTOCOL

**Regarding the Exercise of the PCC's Power under Section 38 of the
Police Reform and Social Responsibility Act, 2011**

Introduction

The Police Reform and Social Responsibility Act, 2011 (PRSRA) introduced new governance arrangements for policing and policing accountability. Principal among these changes is the election of the Police and Crime Commissioner (PCC) and the appointment of the Durham Police and Crime Panel (PCP). The role of the PCP is to scrutinise the decisions and activities of the PCC. In turn the PCC will hold the Chief Constable to account for the delivery of policing services and the achievement of the PCC's objectives.

The PCC and the PCP have already signed up to a Memorandum of Understanding setting out the broad principles of working together to build and nurture an effective partnership in the delivery of the shared and individual responsibilities of the commissioner and the panel.

It was specifically envisaged by the original Memorandum of Understanding that it may be necessary over time to develop and agree additional protocols and procedures to deal with specific issues.

Purpose

In order to ensure transparency and fairness, this protocol sets out the process and procedures which will be followed by the PCC in the event that he is contemplating the exercise of his power under section 38 of the PRSRA, to call upon the Chief Constable to retire or resign.

The provisions set out in this protocol represent statements of intention only and are not legally binding. They may be withdrawn, reviewed or amended at any time by the relevant party.

Policing Protocol

The PCC fully acknowledges the independence of the Chief Constable in operational policing matters as set out in the Policing Protocol (the Protocol).

This is underpinned by the statement in the PCC's Oath of Office that he will not interfere with the Chief Constable's operational independence. Indeed, the PCC and the Chief Constable are required by the Protocol to work together to safeguard the principle of operational independence.

The Police (Conduct) Regulations, 2012 (the Conduct Regulations)

It is acknowledged by the PCC that the existence of the new statutory powers in Section 38 of the PRSRA does not affect the application to Chief Constable of the existing statutory regime for disciplining constables as set out in the Conduct Regulations. The Conduct Regulations contain detailed procedures and incorporate a number of safeguards to ensure that the relevant officer receives a fair hearing.

It is also acknowledged that in enacting Section 38 of the PRSRA, Parliament did not intend that the power contained in that provision should be exercised in a way that would defeat the intent and purpose of the Conduct Regulations.

Accordingly, the PCC undertakes to follow the process and procedures laid down by the Conduct Regulations in respect of any allegations of misconduct by the Chief Constable.

Performance Failure

The PCC intends, subject to exceptional and unforeseen circumstances, to use his power under Section 38 of the PRSRA only in a case of serious failure in the Chief Constable's performance of his duties and functions which could jeopardise the achievement of the PCC's local policing priorities or the effective delivery of local policing needs.

All parties to this protocol agree that the PCC, as the local elected community representative, has a discretion to determine whether the Chief Constable's performance has been so unacceptable, by reference to local needs and priorities, as to compromise the efficiency and effectiveness of the police force and therefore justify his dismissal. However, it is also agreed that the PCC should reach any such

conclusion in good faith and have a reasonable basis for doing so, by reference to the ordinary public law principles of rationality.

The PCC recognises that the use of the power to call upon the Chief Constable to retire or resign should be a matter of last resort and exercised only, where appropriate, after full and frank discussion with the Chief Constable and after a reasonable opportunity has been provided to enable the failure of performance to be rectified.

Process and Procedures

Without prejudice to the statutory process which the PCC is required to follow by virtue of part 2 of schedule 8 to the PRSRA and regulation 11A of the Police Regulations 2003, the PCC will consult with Her Majesty's Chief Inspector of Constabulary at an early stage and shall take account of his/her views in formulating any proposal to call for the Chief Constable's retirement or resignation.

The PCP will permit the Chief Constable to be accompanied by a friend or legal representative at any scrutiny meeting which is held in pursuance of paragraph 15 of schedule 8 to the PRSRA. The PCP will determine the procedure to be followed at the scrutiny meeting. At the meeting the Chief Constable and the PCC will answer on their own behalf any questions put to them by or on behalf of the Panel.

Before making any recommendation in pursuance of the said paragraph 15, the PCP will consult Her Majesty's Chief Inspector of Constabulary and take account of his/her views.

In the event that the PCP recommends that the PCC should not call for the retirement or resignation of the Chief Constable, the PCP will provide the PCC with the full written reasons for the recommendation. The PCC will not reject the recommendation until he has notified the Chief Constable and PCP in writing why he is minded to reject it.

Section 38 Police Reform & Social Responsibility Act 2011

Protocol between the Association of Police & Crime Commissioners (APCC) and the Chief Police Officers' Staff Association (CPOSA)

INTRODUCTION

The purpose of this protocol is to provide guidance to those considering using the powers in Section 38 and those who may be the subject of such use; to help avoid recourse to use of the powers in the first place, for example, through mediation; and to help ensure that where the powers are invoked they are used lawfully.

The protocol draws on legal advice whose principles have been accepted by both parties. It is also supported by the Home Office and HMIC.

The key legal principles are:

- The powers in s. 38 are not unfettered
- The powers must be exercised in a way that is consistent with the purposes of the Police Reform & Social Responsibility Act ("PRsRA")
- Public law principles such as fairness and reasonableness apply
- Article 6 of the ECHR may apply

It is recognised that the protocol is not a definitive interpretation of the relevant legislation. Interpretation is ultimately a matter for the courts. Moreover there may be circumstances where it is appropriate to depart from the protocol. However it is expected that regard will be had to the protocol in all cases and that any departure from it can be explained.

MEDIATION

Given the challenging nature of the roles of Police & Crime Commissioner ("PCC") and Chief Constable and the relationship between the two, a difference of views or other tensions may arise in that relationship from time to time. This is to be expected.

The parties involved will be best placed to determine whether, and if so, how, such tensions may be shared and addressed. The PCC's chief executive and the Deputy Chief Constable may be able to assist in this regard.

On occasion, with a view to avoiding any unnecessary escalation and to facilitate a brokered and pragmatic solution in the interest of all parties, the two parties may wish to consider mediation.

The Acas guide, "Mediation explained", provides a brief summary of the principles of mediation:

- Mediation is voluntary – you only take part if you want to.
- Mediation is confidential – nothing you tell the mediator will be passed on to anyone else unless you want it to be and what has gone on in mediation cannot normally be used in any later procedures or court action.
- Mediation is quick – mediation can be arranged in a few days and the mediation itself usually takes less than a day.
- Mediation can be cheaper and less stressful than going to court.
- Mediation is most effective at the early stages of conflict.
- Mediation aims to maintain the employment relationship.

It is also important to note that mediation cannot force a resolution and will only provide a solution if both parties feel able to agree to it. Furthermore, any mediator will need to be seen as independent and have the confidence of both parties. The mediator should not be a person or member of a body who could at a later date become involved in any formal proceedings.

The APCC and CPOSA have identified that Acas are suitable and willing to provide an accredited mediation service.

Contact should be initiated through the APCC or CPOSA. Any costs will have to be met from the respective Force budget.

SUSPENSION - SECTION 38 (2)

Section 38(2) of the PRSRA contains a generally phrased power to suspend a chief officer. This does not, however, mean that it is open-ended or that there is some unfettered discretion in the PCC to suspend without cause. Indeed, the government response of December 2013 to the Sixth Report from the Home Affairs Committee Session 2013-14 noted "*suspension under section 38(2) should only occur in a case where the PCC is considering calling on the Chief Constable to resign or retire under section 38(3)*".

The power is subject to regulations laid down under s. 50 of the Police Act 1996. The relevant regulations are the Police (Conduct) Regulations 2012 which encompass those cases where investigations of misconduct or gross misconduct are instigated with a view to referral under Regulation 19(1) to misconduct proceedings if the PCC decides (at the end of an investigatory process governed by the Regulations) there is a case to answer. The Regulations lay down a comprehensive procedural regime that must be adhered to in respect of suspension for alleged misconduct. Accordingly any decision to suspend a Chief Constable in respect of alleged misconduct must accord with that regime.

The 2012 Regulations intersect with the power of the PCC to suspend under s. 38(2) because suspension is permitted under Regulation 10 of the 2012 Regulations where two conditions are satisfied. These are that:

- (i) the appropriate authority (*in casu* the PCC) has determined (having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension) that such redeployment is not appropriate in all the circumstances of the case, and
- (ii) it appears to the PCC that either: (a) the effective investigation of the case may be prejudiced unless the officer concerned is so suspended, or (b) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that he/she be so suspended.

It should be noted that the power to suspend under Regulation 10(5) is limited in time and applies only until it has been decided by the PCC that there shall be no referral to misconduct proceedings or such proceedings have concluded.

It is clear that s. 38(2) may be exercised for wider purposes than misconduct but it may not be used for a collateral purpose (such as to bypass applicable regulations) or for a reason outside the scope and purpose of the PRSRA. Thus, interference with the operational independence or other legitimate exercise of functions of a Chief Constable by suspension would therefore probably be held to be unlawful.

Furthermore, s. 38(2) may only be exercised compatibly with traditional public law requirements including, possibly, fundamental rights requirements. Any decision to suspend outside the sphere of misconduct will, thus, have to be conducted by means of a fair and

lawful process and be a rational decision. Accordingly, the main relevant public law constraints are likely to be:

- (a) the power may only be used in a way that is consistent with the object and purpose of the statute. In particular, a decision taken for a collateral or legally improper purpose will be unlawful. It is clear that the concept of improper purpose is by no means co-extensive with bad faith. A purpose will be improper if it is legally impermissible. Thus, it is likely that a power contained in one statute would be unlawfully exercised if it were to be used to subvert the purpose of another statute including regulations made under that statute.
- (b) in order to be lawful a decision-maker must only take lawful considerations into account and must not consider legally irrelevant factors.
- (c) the decision must not be irrational in the sense that it *'is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it'*.
- (d) the decision must be taken fairly. Ordinarily this requires observance of the principles of natural justice or, in the language of the cases a decision must not reflect procedural impropriety.

These are by no means the only public law constraints but are the ones most likely to apply to a decision by a PCC to suspend a Chief Constable under s. 38(2).

The only express procedural requirement for suspension under s. 38(2) is that the PCC notify the local Police & Crime Panel ("PCP"). It will be for the PCP to determine how it exercises its duty to *'review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions'* in keeping with s. 28(6) of the PRSRA in this regard. It is the government's view (response of December 2013 to the Sixth Report from the Home Affairs Committee Session 2013-14) that PCPs should fully exercise their powers of scrutiny in examining and deciding whether the proposed removal (and any associated suspension) of a Chief Constable is justified.

It may lay the PCC open to a challenge on rationality grounds were the PCC to ignore - without rationally articulating their reasons for doing so - any recommendations or expressed views of the PCP as to the fact or continuation of suspension.

Although there is no set procedure for suspension outside the scope of the 2012 Regulations, in the interests of fairness (and having regard to Article 6 of the Human Rights Act) the PCC should normally inform the Chief Constable of the case against them and afford them an opportunity to make representations. A failure to do this may render the decision to suspend open to legal challenge.

It is likely that the relatively high threshold for suspension for alleged misconduct in the available case-law would be held by a court to apply to suspension under s. 38(2) for other reasons outside the sphere of alleged misconduct. Accordingly, the following should be borne in mind:

- Suspension is an extraordinary step to take and impacts dramatically upon the individual and the reputation of the Force. It should only be considered when the continuing presence of the Chief Constable in the workplace is untenable and genuinely not in the best interests of the Force and the public.
- Retaining the Chief Constable in the workplace may not only be in the best interests of the individual but will also avoid the significant expense of suspension that often attracts public criticism.
- Alternatives to suspension, such as a secondment elsewhere, should be considered. The regional Inspector of Constabulary may be able to assist in this regard and also offer professional advice.

- Where the Chief Constable has nominated a CPOSA Panel of Friends member to act as their Friend that individual may be able to act as an intermediary and assist in brokering an agreed alternative to suspension.
- The PCC should consider taking professional and legal advice before invoking a suspension.
- Any suspension should accord with the principles of natural justice and relevant case law.
- Where a suspension is invoked, it should be regularly reviewed and the proportionality and necessity principles applied on each occasion. A review should take place if the circumstances relevant to the suspension have changed and in any case not less than every four weeks and be documented by the PCC. The Chief Constable, or their representative, should be invited to make representations in writing prior to each review.

REMOVAL/RESIGNATION - SECTION 38(3)

Similar considerations to those outlined above in the context of suspension apply to the power to call for retirement/resignation (the removal power) under s. 38(3). The central elements of the regime to be followed are to be found in the Appendix.

In keeping with the observations made in respect of suspension under s. 38(2), the power under s. 38(3) is not intended to be exercised in respect of misconduct which is governed by the Police (Conduct) Regulations 2012.

The s. 38(3) power should also be exercised within the principles of public law and only in a manner that is consistent with the object and purpose of PRSRA.

If the exercise of the power is to be pursued following receipt of the written views of the Chief Inspector of Constabulary, the PCC should explicitly explain how they have had regard to those views in their written explanation to the Chief Constable and the PCP of the reasons why they are continuing to proceed

A failure on the part of the PCC to obtain the written views of the Chief Inspector of Constabulary and take them into account before calling for a Chief Constable's resignation or retirement would be a clear breach of the regulations. Were the Chief Inspector's views not to be obtained then they clearly could not be taken into account and on the simplest public law analysis that would reflect a failure to take account of a legally material (indeed, legally imperative) consideration.

However, although the Chief Inspector's views must be obtained they do not necessarily have to be followed. They must be taken into account and cannot merely be disregarded. Provided that they are taken into account and adequate and intelligible reasons are given for departing from those views they are not legally binding.

Similarly, whilst the regime expressly permits the PCC to decide to remove notwithstanding the PCP's recommendation, nonetheless the PCC may wish to articulate a reasoned case for disregarding any such recommendation: A failure to do this may similarly be open the decision to legal challenge.

Appendix

S. 38 is subject to regulations under the Police Act 1996, s. 50 and (materially) also subject to the provisions of Part 2 of Schedule 8 as regards the suspension or removal of a Chief Constable.

In this respect the Police Regulations 2003 (as amended) are also regulations made under s. 50 of the Police Act 1996. By virtue of the Police (Amendment) Regulations 2011, a new Regulation 11A was added to the Police Regulations 2003.

Having regard to Schedule 8 and Regulation 11A the central elements of the regime to be followed are:

(1) If a PCC is proposing to call on a Chief Constable to retire or resign the PCC shall:

- (a) obtain the views of the Chief Inspector of Constabulary in writing;*
- (b) have regard to those written views;*

(2) The PCC must give the Chief Constable a written explanation of the reasons why the PCC is proposing to call for their retirement or resignation and at the same time provide a copy of the written views of the Chief Inspector of Constabulary.

(3) The PCC must give the relevant PCP:

- (a) written notification that the PCC is proposing to call upon the Chief Constable to retire or resign;*
- (b) a copy of the reasons given to the Chief Constable, and.*
- (c) a copy of the written views of the Chief Inspector of Constabulary*

(4) The PCC must give the Chief Constable the opportunity to make written representations about the proposal to call for the Chief Constable's resignation or retirement.

(5) The PCC must:

- (a) consider any written representations made by the Chief Constable; and*
- (b) give the relevant PCP a copy of any such representations made by the Chief Constable, as soon as practicable after the PCC is given them.*

(6) If a PCP is given a notification under (3), the PCP must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.

The recommendation must be given to the PCC in writing before the end of the period of six weeks beginning with the day on which the PCP receives the notification.

(7) Before making the recommendation, the PCP:

- (a) may consult the Chief Inspector of Constabulary, and*
- (b) must hold a scrutiny hearing at which the PCC and Chief Constable are both entitled to be heard.*

The PCP must publish the recommendation made under this paragraph. It is for the PCP to determine the manner in which the recommendation is to be published in accordance with the relevant sub-paragraph (5).

(8) The PCC:

- (a) must consider the PCP's recommendation, and*
- (b) having considered the recommendation, may accept or reject it.*

(9) The PCC must notify the PCP of the decision whether or not to accept the recommendation.

(10) If, following the above, the PCC is still proposing to call upon the Chief Constable to retire or resign the PCC must:

- (a) notify the Chief Constable and PCP and provide a written explanation of the reasons why the PCC proposes to call for the retirement or resignation;*
- (b) give the Chief Inspector of Constabulary a copy of the notification and the explanation, and*

(c) give the chief executive appointed under paragraph 6(1)(a) of Schedule 1 to the 2011 Act a copy of the notification and the explanation, as well as the written views of the Chief Inspector of Constabulary obtained at the outset of the process.

A PCC must not call upon a Chief Constable to retire or resign until the end of the scrutiny process has been reached.

The end of the scrutiny process is reached when the first of the following events occurs:

- (a) the period of six weeks has ended without the PCP having given the PCC any recommendation as to whether or not the PCC should call for the retirement or resignation;*
- (b) the PCC notifies the PCP under (9) of the decision whether or not to accept the PCP's recommendation in relation to the resignation or retirement.*

(11) The Chief Constable must retire or resign if called upon to do so.

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Durham Police and Crime Panel

24th June 2014

Home Affairs Committee Report - Police and Crime Commissioners: progress to date

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide Panel Members with information on the Home Affairs' Committee report '*Police and Crime Commissioners: progress to date*'.

Background

- 2 In May 2014, the Home Affairs Committee published its report '*Police and Crime Commissioners: progress to date*'. Chaired by the Rt Hon Keith Vaz MP, the Committee gathered a wide range of evidence and produced findings and recommendations to the Government under the following headings:
 - *Introduction, PCCs and the public, training and register of disclosable interests*
 - *The work of commissioners to date*
 - *The relationship between commissioners and chief constables*
 - *Scrutiny of commissioners by police and crime panels*
- 3 Appendix 2 of this report contains the report's conclusions and recommendations and a copy of the full report is available from the following link. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/757.pdf>
- 4 Appendix 3 contains a copy of the report's section on 'Scrutiny of commissioners by police and crime panels' and together with findings within the other headings following bullet points provide a summary of recommendations with regard to potential impact on Panel activity.

Strengthening the role of police and crime panels

- The Committee finds that to date panels have struggled to understand their powers and define their role.
- The role of panels should be strengthened and extended in scrutinising the removal, resignation or retirement of a chief constable, where this has been instigated by the PCC;
- Panels should have the power of veto over the appointment of a deputy commissioner, where they have not stood for election alongside the commissioner;

- To enable more proactive scrutiny, require PCCs to publish a forward list of key decisions, where these are known in advance and to publish background information on each decision when it is made
- LGA & Association of PCCs agree protocol on timely information, with specific reference to precept setting process
- LGA undertake in-depth research into panels experience to date on complaint handling

Panel Resources

- Home Office and LGA undertake research to estimate the actual cost for support to panels to determine a more realistic level of funding
- To provide long-term certainty, in the future, such funding should come from the police precept.

Target setting by commissioners

- The Committee raises concern that almost half of commissioners were using targets to hold their chief constable to account, despite strong evidence that target-setting has resulted in the manipulation of police-recorded crime statistics. The Report recommends that all such commissioners should review urgently the auditing arrangements they have in place to ensure such targets operate as intended.

The removal of chief constables

- The law must be changed to state clearly the grounds on which a chief constable may be suspended or removed;
- Establishing a clear system of safeguards where a chief constable is suspended, similar to those already in place when they face suspension on a conduct matter;
- The development of a third party mediation process for instances where the relationship between a commissioner and chief constable breaks down.

- 5 Within the context of these recommendations from the Home Affairs Committee to the Government, it is to note that the Durham Police and Crime Panel have already taken steps or implemented protocols with regard Section 38 of the Police Reform Social responsibility Act 2011 (removal of chief constable) and a Memorandum of Understanding for working arrangements with the Commissioner. In addition, following discussion with the Police and Crime Commissioner, the Panel will receive information on the precept setting process.
- 6 The Government is required to respond to the report within two months of its publication and further updates will be provided to the Panel.

Recommendation

- 7 That the Police and Crime Panel note information within the report and Appendices 2 and 3.

Contact: Jonathan Slee Tel: 03000 268142

Appendix 1: Implications

Finance – The report identifies information of potential changes to the funding of the Police and Crime Panel

Staffing – The report identifies information to potential amendments to powers and role of the panel if the Commissioner was proposing to remove or suspend the Chief Constable.

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – None

Human Rights – None

Consultation – None.

Procurement – None

Disability Issues – None

Legal Implications – The report identifies a number of proposals that could make amendments to the Police Reform and Social Responsibility Act 2011.

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Conclusions and recommendations

PCCs and the public

1. One of the main aims of police and crime commissioners was to make the strategic direction of policing in England and Wales subject to democratic accountability. It is disappointing, therefore, that the turn-out for the elections in November 2012 was so low, leading some to question whether PCCs have a sufficient electoral mandate. Since their introduction, however, public awareness of commissioners has increased significantly, albeit not always for the right reasons. This, combined with the move of the next PCC elections to be in line with the May electoral cycle should ensure a greater turn-out and level of public engagement at the next elections in 2016. Until then, and whilst the nascent work of PCCs is still to have its full effect on the public's perception of local policing, it is inevitable that many will consider the concept of police and crime commissioners to be on probation. (Paragraph 9)

Training and transition

2. This Report and the Committee's previous reports on PCCs have shown that many of the difficulties that commissioners have faced could have been avoided given greater opportunity to find their feet before starting the job. For the next elections, we recommend a transition period for new commissioners of one month between election and taking office. This would allow time for the Association of PCCs, College of Policing, Local Government Association, and others to provide intensive training for newly elected commissioners, and a period of transition for post-holders and their teams. (Paragraph 11)
3. We continue to believe that there should be a national register of commissioners' disclosable interests, and reject the suggestion that such an exercise is complex and bureaucratic. It has been a perfectly straightforward exercise to produce it for this Report. In the continued absence of any such initiative by HMIC, the Home Office or the Association of PCCs, we produce the latest version of the register as an Annex to this Report. For the first time, we also include the disclosable interests of deputy commissioners. (Paragraph 13)

The work of commissioners to date

4. Collaborative working has the potential to save money as well as providing a higher standard of policing. We support the efforts of commissioners in working with their neighbours and others in fields as diverse as the provision of blue light services, mental health, community safety, organised crime and counter-terrorism. Although there has been progress in some areas, it is clear that a majority of police forces are not yet exploiting the full potential of collaboration. We recommend that, for forces delivering less than 10 per cent of their business through collaboration, commissioners and chief constables should prioritise work in this area, seeking advice from those forces that have already demonstrated success. We will also

continue to highlight examples of good practice in collaborative working in the future. (Paragraph 24)

5. We also support the alliances between Warwickshire and West Mercia, and Surrey and Sussex, the former of which has achieved the majority of their required savings over the current spending period through collaboration. Where such alliances prove successful and supported by the public, we believe there is a case for facilitating the full merger of forces under a single police and crime commissioner and chief constable. (Paragraph 25)

Transparency

6. We are deeply concerned that despite a requirement in statute, and a reminder from the Home Office, some commissioners are still failing to meet their transparency requirements. This information is vital in allowing voters to assess the effectiveness of their PCCs. We recommend that the Home Office and the Association of Policing and Crime Chief Executives continue to pursue this matter with the relevant PCC offices. Furthermore, we recommend that commissioners begin to publish a register of meetings held with external stakeholders. (Paragraph 30)
7. However, we believe this information will be more useful to the public and police and crime panels in holding PCCs to account if it is drawn together to allow meaningful comparisons. As such, we recommend that the Association of PCCs begin collating and publishing all statutory information on its website, and carry out comparative analysis where appropriate. In so doing, it should also highlight those PCC offices that are not meeting their requirements. The Home Office or HMIC should also publish a comparative analysis of the range of ways in which commissioners have approached the 2014 Stage 2 transfer of staff and assets. (Paragraph 31)

Appointment of deputy and assistant commissioners

8. The employment of assistants and deputies has raised inevitable accusations of cronyism. Whilst we do not question the right of commissioners to appoint a deputy, their appointment must be transparent and instil public confidence. We recommend that at the 2016 elections, candidates for commissioner should be able to name their intended deputies so that they are elected on the same ticket. In cases where a commissioner subsequently seeks to appoint a deputy post-election, the Home Office should set out a clear process for the conduct of their selection. The police and crime panel should also have the power to veto the appointment. (Paragraph 38)
9. We believe the status of assistant PCCs is ambiguous and risks creating public confusion about their role, and that the nomenclature should be avoided. In some cases their appointment appears to side-step the scrutiny process required by statute for deputies. In some areas the appointment of multiple assistants could be seen as an attempt by the PCCs in those areas to recreate the former police authorities. We are also concerned that such appointments do not meet the requirement for posts below the level of deputy to be politically restricted. We recommend that the appointment of posts aside from deputy commissioner should in all cases be subject

to an open and transparent recruitment process similar to that for entry to the Civil Service or local government, with that process approved by the chief executive of the office of the PCC. (Paragraph 39)

Target setting and crime statistics

10. Public confidence in the veracity of crime data has been severely undermined by recent revelations, culminating in the withdrawal of their designation as National Statistics. We welcome the work that HMIC, commissioners and chief constables are now undertaking to ensure the robustness of crime data, especially as they constitute a key indicator on which the public will assess the performance of commissioners in 2016. (Paragraph 46)
11. We note that target-setting has been cited as one of the reasons for the manipulation of crime figures. We are concerned, therefore, that a large number of commissioners have set targets or performance measures as part of their police and crime plans. Where this is the case, it is vital that PCCs ensure such targets operate as intended and do not act as incentives for the gaming of crime statistics in the future. We recommend that all such commissioners review urgently the auditing arrangements they have in place. We are mindful also that as the next elections approach many PCCs will feel under pressure to demonstrate their effectiveness. It will be the responsibility of chief constables to ensure this does not translate into pressure on forces to under or misreport crime. (Paragraph 47)

Support for victims

12. Many PCCs seem to be taking seriously the responsibility they are due to take on for commissioning victims services. There is a potential opportunity to make a significant improvement to the quality of services offered in this area. However, there are also a number of risks, particularly during the transition phase. We recommend that HMIC evaluate the approach taken after PCCs take over responsibility for commissioning victims services in October 2014 so as to inform decision-making by PCCs in the second tranche. We further recommend that before the next PCC elections, HMIC conduct a full evaluation of the move to local commissioning to inform the approach taken by the next generation of PCCs. (Paragraph 51)

Commissioner-led campaigns

13. Police and crime commissioners are increasingly using their voice to lobby Government on policies that are formed at a national level. We welcome this, and hope that they continue to do so. (Paragraph 53)

Overall effectiveness of commissioners to date

14. It is too early to say whether the introduction of police and crime commissioners has been a success. As such this inquiry should be seen as a progress report, rather than a definitive assessment of the PCC model. Indeed, even by 2016 it may be difficult to draw a national picture because of the range of different approaches being taken by

commissioners, although this should be possible after the term then commencing. However, one clear message from our evidence is that PCCs have provided greater clarity of leadership for policing within their areas, and are increasingly recognised by the public as accountable for the strategic direction of their police force. (Paragraph 56)

Holding chief constables to account

15. Commissioners have developed a range of informal and formal approaches to holding their chief constables to account, both in private and in public, for the delivery of policing. The relationship between both parties has to balance an open and constructive approach with robust challenge where necessary. Commissioners must continue to guard against the inherent risks of the new governance model by ensuring decision-making is as transparent as possible, and avoid any temptation to interfere in the operational independence of chief constables in accordance with the Policing Protocol. Indeed, commissioners and chief constables should regard the Policing Protocol as the foundation on which their relationship is based, and training on it should form part of the induction period we have proposed for PCCs. Behind the new accountability framework lies the power of PCCs to fire their chief constable. Whilst the Stevens Commission concluded that this power risked having a chilling effect on the decision-making of chief constables, the evidence we received does not support this assertion. (Paragraph 67)

The process for the removal of a chief constable

16. The removal of a chief constable should follow due process. It is clear to us that there are a number of ways in which the procedure of removing a chief constable can be improved to promote greater public confidence. We recommend that the Home Office bring forward proposals to amend the powers of commissioners to suspend or remove chief constables under Section 38(2) and 38(3) of the Police Reform and Social Responsibility Act 2011 by stipulating the grounds on which they may do so. The Home Office should also provide guidance to commissioners on the use of their powers in both respects. In the case of a suspension there should also be a clear system of safeguards similar to those which guide suspension in respect of conduct. (Paragraph 75)
17. We are concerned that commissioners can side-step the statutory scrutiny process set out in Schedule 8 to the 2011 Act for the removal of a chief constable by simply threatening to use it. Accordingly, we recommend that police and crime panels inquire and report into the circumstances whenever a chief constable's service is brought to an end irrespective of whether the Schedule 8 scrutiny process is formally engaged. (Paragraph 76)
18. It is also not right that the statutory scrutiny process can be side-stepped where a chief constable is close to the end of their contract, and the commissioner chooses not to agree an extension. We recommend that the Home Office bring forward proposals to extend the Schedule 8 process to include scrutiny by the police and

crime panel in such instances to bring it in line with the process for the removal of a chief constable. (Paragraph 77)

19. We have recommended earlier in this Report the need for a period of training for new commissioners before they take office. We believe that instruction in respect of their duties under the 2011 Act, the Police (Conduct) Regulations 2012, and other relevant employment law would form a useful aspect of that training period. Finally, we recommend the Home Office, HMIC, CPOSA, and the Association of PCCs work together to develop a third party mediation process that commissioners and chief constables can refer to when their relationship breaks down. Training on this process should also be included in the induction period for new commissioners. (Paragraph 78)

The developing role of police and crime panels

20. Effective scrutiny by police and crime panels relies on creating a constructive working relationship with the commissioner in which the panel acts as a 'critical friend'. However, many panels have to date struggled to understand their powers and define their role. Indeed, one former member of a police and crime panel described it as "a crocodile with rubber teeth". In short, they need to conduct themselves less in the style of the former police authorities, and operate more in the mode of select committees. We recommend that the Home Office provide fuller guidance to panels on their role and remit, and how it relates to commissioners. We also recommend that the Local Government Association consider further ways to develop the sharing of best practice between panels. The political balance on panels is also a concern to us, and so we recommend that, where possible in the future, if the chair of a police and crime panel is from the same party as the commissioner, then the panel should consider appointing a deputy chair who is not from that party. (Paragraph 87)

Strengthening the role of panels

21. The Government's intention was for commissioners to be held to account by the public with police and crime panels providing 'light touch' scrutiny. But the low turn-out for the PCC elections and, the lack of a formal 'Opposition' between elections, inevitably places a greater emphasis on the role of panels in scrutinising commissioners. (Paragraph 92)
22. To allow panels to conduct more proactive scrutiny, we recommend that the Home Office brings forward proposals to amend the Elected Local Policing Bodies (Specified Information) Order 2011 to require commissioners to publish a forward plan of key decisions, where these are known in advance, and to publish background information on each decision when it is made. The Home Office should also produce accompanying guidance for commissioners on what constitutes a decision. We further recommend that the Local Government Association and the Association of PCCs agree a protocol on the timely provision of information to panels generally, but with particular reference to the precept-setting process, to enable more effective scrutiny by panels. In this area, we also recommend that the Government does not again delay confirmation of police funding to such a late stage as last year, with the

Autumn Statement not taking place until December. Finally, we recommend that the Local Government Association undertake in-depth research on panels' experience to date on complaint handling, so that it can make recommendations to the Home Office on how the process should be improved. (Paragraph 93)

Panel resources

23. If police and crime panels are to play a stronger role in proactively scrutinising commissioners they need to be resourced accordingly in a way that is sustainable. We recommend the Home Office and Local Government Association undertake research to estimate the actual cost of support for panels to date to determine a more realistic level of funding. We further recommend that to provide long-term certainty, in the future, such funding should come from the police precept. (Paragraph 95)

4 Scrutiny of commissioners by police and crime panels

79. The Government proposed police and crime panels at a late stage in the passage of the Police Reform and Social Responsibility Bill to assuage concern that, once elected, commissioners would not be subject to sufficient scrutiny for their actions and decisions. The Government's expectation was for panels to provide 'light-touch' scrutiny, and funded them accordingly.¹³⁷ In previous chapters we examined the part played by panels in the appointment of deputy and assistant commissioners, and in respect of the removal or suspension of chief constables. In this Chapter we consider how they have approached their scrutiny functions more generally, and where there may be scope to strengthen their role.

The developing role of panels

80. The 2011 Act and the Policing Protocol Order 2011 gave police and crime panels a range of powers, including to:

- Scrutinise all decisions or actions by the commissioner;
- Require the commissioner to provide information and answer questions;
- Make reports and recommendations on the police and crime plan and annual report, of which the commissioner must take account and respond;
- Hold public meetings to discuss the annual report and to question the commissioner on its contents;
- Carry out confirmation hearings when a commissioner proposes to appoint a deputy, a chief executive, or chief finance officer;
- Work to resolve non-criminal complaints made about the commissioner;
- Ask HMIC for a professional view when the commissioner intends to dismiss a chief constable;
- Suspend the commissioner if they are charged with an imprisonable offence which carries a maximum term of two years or more;
- Appoint an acting commissioner if the elected one cannot carry out their role, for example, for health reasons or following resignation or disqualification;
- Veto the commissioner's first precept proposal, and recommend that it be increased or decreased (although they cannot veto the revised proposal); and

¹³⁷ [PCC0007](#) (Local Government Association), para 7

- Veto the commissioner's proposed candidate for chief constable (although they cannot veto the reserve candidate).

81. The composition of panels depends on the number of local authorities within the force area. Where a force area has ten or fewer local authorities, the panel should have ten members plus as least two independent co-opted members. Where a force area has more than ten local authorities, the number of members corresponds to the number of local authorities in the force area plus as least two independent co-opted members. Panels may co-opt additional members as long as the total number does not exceed 20 and the Secretary of State approves the co-options. Overall, the composition of panels is meant to reflect the political and geographical balance of councillors within the force area. Inevitably, this means that often the majority of members on the panel will have the same party affiliation as the commissioner, where they are not an independent. Furthermore, CoPaCC told us that in 26 areas the panel chair had the same party affiliation as the commissioner, and that this could result in the panel providing less challenging scrutiny.¹³⁸

82. Although the Local Government Association has provided some guidance for the nascent work of panels, and we also note the work of CoPaCC in this regard, the Police Foundation noted that there are no real national standards as to how panels should perform their role. As a result, there has been variation in the way working practices have developed between different areas.¹³⁹ The Centre for Public Scrutiny recently published a report, which sought to capture some of the experience of panels to date.¹⁴⁰ The staff who support panels split their experience into two phases—an initial steep learning curve, followed by period of more proactive work by panels.

83. In the first phase, the work of panels has largely involved their focusing on statutory duties, such as confirmation hearings, scrutinising police and crime plans, and agreeing precept proposals. As with commissioners, this has involved panels developing an understanding of their statutory duties, which has at times resulted in disagreements between the two parties. Several PCCs voiced concerns that their respective panels had struggled to understand their role, and had at times over-reached their powers.¹⁴¹ The Thames Valley PCC told us his panel had at times appeared to be scrutinising the performance of the police force and the chief constable, rather than the commissioner.¹⁴² The Lincolnshire PCC also told us the panel's work had focused too much on operational policing, rather than on the decisions he had taken.¹⁴³ In fairness to police and crime panels, the Centre for Public Scrutiny told us it was not always easy to separate operational and strategic matters, and that often to have an understanding of the latter, it required information on the former.¹⁴⁴ Another concern among PCCs was that in discussions over

¹³⁸ Q 372 (CoPaCC)

¹³⁹ PCC0033 (Police Foundation), para 11

¹⁴⁰ Centre for Public Scrutiny, *Police and Crime Panels: the first year*, February 2014

¹⁴¹ Qq 51 (Police and Crime Commissioner for Warwickshire) and 657 (Police and Crime Commissioner for Kent)

¹⁴² PCC0018 (Police and Crime Commissioner for Thames Valley), para 11

¹⁴³ PCC0031 (Police and Crime Commissioner for Lincolnshire), para 3.1

¹⁴⁴ PCC0043 (Centre for Public Scrutiny), para 24

setting the precept some local councillors were not able to separate their constituency concerns from their role in scrutinising the precept for the whole police force area.¹⁴⁵

84. The Centre for Public Scrutiny believed that part of the problem was that many police and crime panels had members who had previously sat on the former police authorities, and therefore did not appreciate how their role had changed since November 2012.¹⁴⁶ The Centre, the Local Government Association and others called for the Home Office to provide greater clarity on the respective role of panels, commissioners, and their offices, including on the extent of panels' powers and how and when they should be applied.¹⁴⁷

85. The second phase in the development of the work of police and crime panels has seen many conducting more proactive work in a way that is not prescribed in the legislation, but which has nevertheless helped them to fulfil their statutory functions. For example, the Dorset and West Yorkshire panels have developed a 'rapporteur' approach, whereby individual panel members take responsibility for particular subject policy areas, so gaining specialist knowledge that better enables them to scrutinise the commissioner.¹⁴⁸ In Cleveland and Sussex the panels have established sub-groups to consider in more detail the precept and budget in order to better prepare for the annual precept-setting process. Other panels are using themed meetings to focus in-depth on a particular priority of the commissioner.

86. Overall, a number of witnesses sought to characterise the relationship between commissioners and their panels. The Surrey PCC said he had been subject to "robust and open scrutiny".¹⁴⁹ The West Mercia Police and Crime Panel described the relationship as "positive, with a balance being struck between scrutiny and support".¹⁵⁰ The Sussex PCC told us: "The greatest benefit that panels can bring a police and crime commissioner is as a critical friend".¹⁵¹ At the conclusion of our inquiry, the Minister told us "they are developing a rhythm of being quite a good scrutiny mechanism [...] and I hope and expect them to continue to do that".¹⁵²

87. Effective scrutiny by police and crime panels relies on creating a constructive working relationship with the commissioner in which the panel acts as a 'critical friend'. However, many panels have to date struggled to understand their powers and define their role. Indeed, one former member of a police and crime panel described it as "a crocodile with rubber teeth". In short, they need to conduct themselves less in the style of the former police authorities, and operate more in the mode of select committees. We recommend that the Home Office provide fuller guidance to panels on

¹⁴⁵ [PCC0018](#) (Police and Crime Commissioner for Thames Valley), [PCC0041](#) (Police and Crime Commissioner for Dorset) and [PCC0045](#) (Police and Crime Commissioner for Northumbria)

¹⁴⁶ [PCC0043](#) (Centre for Public Scrutiny), para 24

¹⁴⁷ [PCC0007](#) (Local Government Association), para 8, [PCC0025](#) (North Wales Police and Crime Panel), para 2.2, [PCC0039](#) (James Berry), para 20, and [PCC0043](#) (Centre for Public Scrutiny), para 26

¹⁴⁸ [PCC0032](#) (West Yorkshire Police and Crime Panel), para 1.2.4, and [PCC0056](#) (Centre for Public Scrutiny)

¹⁴⁹ [PCC0008](#) (Police and Crime Commissioner for Surrey), para 3.2

¹⁵⁰ [PCC0021](#) (West Mercia Police and Crime Panel), para 6

¹⁵¹ Q 160 (Police and Crime Commissioner for Sussex)

¹⁵² Q 696 (Minister for Policing, Criminal Justice and Victims)

their role and remit, and how it relates to commissioners. We also recommend that the Local Government Association consider further ways to develop the sharing of best practice between panels. The political balance on panels is also a concern to us, and so we recommend that, where possible in the future, if the chair of a police and crime panel is from the same party as the commissioner, then the panel should consider appointing a deputy chair who is not from that party.

Strengthening the role of panels

88. The police and crime panels that gave evidence to us suggested other ways in which their scrutiny powers could be enhanced. First, a number raised concern at the flow of information from commissioners to panels.¹⁵³ The sharing of information is crucial to effective scrutiny and maintaining a good relationship between both parties. The Surrey Police and Crime Panel cited an example where the commissioner had agreed to share the recommendations of a review of the county's neighbourhood policing model before a final decision was made. However, the recommendations of the review were subsequently implemented without the panel having had sight of them.¹⁵⁴ In general, the Local Government Association told us there had been a number of cases where panels had only been provided with the information after making repeated requests, and even then it had been incomplete.¹⁵⁵

89. One aspect of the difficulty some panels faced in getting information concerned decisions made by commissioners. PCCs are required to publish all decisions they make that are of significant public interest. However, panels are often not kept aware of what decisions the commissioner is planning to make. Indeed, in some cases announcements were made in the media before the panel had been informed.¹⁵⁶ Many felt that a requirement on commissioners to produce a forward plan of their key decisions would facilitate better scrutiny by the panel. Furthermore, witnesses felt that the lack of any definition of what constituted a decision led to a range of interpretations being applied.¹⁵⁷ Indeed, analysis carried out by CoPaCC showed that during their first 48 weeks in office, one commissioner made just 11 decisions, which they deemed to be of significant public interest, whereas another made 141—almost three per week.¹⁵⁸ Whilst variation in the number of decisions will in part be a consequence of different approaches taken by PCCs, it also suggests that some commissioners may be using a narrow definition of what constitutes a decision in order to avoid scrutiny by the police and crime panel.

90. A second issue raised by panels was in respect of scrutiny of the commissioner's precept proposals. This is an important aspect of the annual work cycle for panels, though the

¹⁵³ [PCC0007](#) (Local Government Association), para 19, [PCC0019](#) (Surrey Police and Crime Panel), para 2.2, [PCC0022](#) (Welsh Local Government Association), para 14, [PCC0024](#) (Hampshire Police and Crime Panel), and [PCC0043](#) (Centre for Public Scrutiny), para 21

¹⁵⁴ [PCC0019](#) (Surrey Police and Crime Panel), para 2.2

¹⁵⁵ [PCC0007](#) (Local Government Association), para 20

¹⁵⁶ [PCC0007](#) (Local Government Association), para 21, and [PCC0022](#) (Welsh Local Government Association), para 14

¹⁵⁷ [PCC0043](#) (Centre for Public Scrutiny), para 26; Q 504 (Chair of the Surrey Police and Crime Panel)

¹⁵⁸ CoPaCC, *PCC Statutory Transparency*, November 2013

experience to date for many has seen the process truncated into so short a timeframe as to preclude the possibility of very meaningful scrutiny by the panel. For example, the Surrey Police and Crime Panel told us its members had only five working days to consider the commissioner's proposals, convene a meeting, and draft a formal response.¹⁵⁹ However, the Dyfed-Powys PCC noted that the scope to provide more time for scrutiny was constrained by the timing of Autumn Statement and the announcement of the Policing Settlement in December.¹⁶⁰

91. Finally, some panels raised concern over their role in investigating non-criminal complaints against the PCC.¹⁶¹ Dealing with complaints took up a large amount of panels' time and resources, and whilst panels are able to carry out investigations, they have no real powers to take action in response. The Cumbria panel noted that the current process risked creating false expectations on the part of complainants.¹⁶² The North Wales panel told us that a lack of experience in dealing with complaints had "led to a tentative and some-what proliferated approach to their categorisation".¹⁶³ However, other than conveying a sense of frustration at the complaints process, those panels which gave evidence were not able to provide concrete recommendations on how their role could be improved.

92. The Government's intention was for commissioners to be held to account by the public with police and crime panels providing 'light touch' scrutiny. But the low turnout for the PCC elections and, the lack of a formal 'Opposition' between elections, inevitably places a greater emphasis on the role of panels in scrutinising commissioners.

93. To allow panels to conduct more proactive scrutiny, we recommend that the Home Office brings forward proposals to amend the Elected Local Policing Bodies (Specified Information) Order 2011 to require commissioners to publish a forward plan of key decisions, where these are known in advance, and to publish background information on each decision when it is made. The Home Office should also produce accompanying guidance for commissioners on what constitutes a decision. We further recommend that the Local Government Association and the Association of PCCs agree a protocol on the timely provision of information to panels generally, but with particular reference to the precept-setting process, to enable more effective scrutiny by panels. In this area, we also recommend that the Government does not again delay confirmation of police funding to such a late stage as last year, with the Autumn Statement not taking place until December. Finally, we recommend that the Local Government Association undertake in-depth research on panels' experience to date on complaint handling, so that it can make recommendations to the Home Office on how the process should be improved.

¹⁵⁹ Q 19 (Surrey Police and Crime Panel), para 4.1

¹⁶⁰ [PCC0009](#) (Police and Crime Commissioner for Dyfed-Powys) para 3.2

¹⁶¹ [PCC0013](#) (Cumbria Police and Crime Panel), [PCC0024](#) (Hampshire Police and Crime Panel), para 3.5, [PCC0025](#) (North Wales Police and Crime Panel), para 2.7, and [PCC0032](#) (West Yorkshire Police and Crime Panel), para 2.2.5

¹⁶² *Ibid.*

¹⁶³ [PCC0025](#) (North Wales Police and Crime Panel), para 2.7

Panel resources

94. In 2013-14 the Home Office provided funding of £53,000 for the secretariat support for each police and crime panel. It is understood that the figure was calculated on an expectation that panels would require a single full-time scrutiny officer, and that they would meet only four times a year. During the first 18 months commissioners have been in office it has become apparent that the current funding does not reflect the workload of panels, most of which have met at least seven times a year, with one panel meeting monthly.¹⁶⁴ The Chair of the Surrey panel told us she had attended 23 meetings in the previous year, taking into account full panel sessions, sub-groups, briefing meetings, etc.¹⁶⁵ Many panels have been informally subsidised by the host authority through, for example, the provision of legal, finance, HR, policy and administrative support. The Local Government Association told us future funding from the Home Office had not been confirmed.¹⁶⁶

95. If police and crime panels are to play a stronger role in proactively scrutinising commissioners they need to be resourced accordingly in a way that is sustainable. We recommend the Home Office and Local Government Association undertake research to estimate the actual cost of support for panels to date to determine a more realistic level of funding. We further recommend that to provide long-term certainty, in the future, such funding should come from the police precept.

¹⁶⁴ [PCC0007](#) (Local Government Association), para 10, [PCC0021](#) (Welsh Local Government Association), para 11, [PCC0025](#) (North Wales Police and Crime Panel), para 2.4, [PCC0043](#) (Centre for Public Scrutiny), para 28, [PCC0047](#) (Frank A Chapman), para 7; Q 372 (CoPaCC)

¹⁶⁵ Q 495 (Chair of the Surrey Police and Crime Panel)

¹⁶⁶ [PCC0007](#) (Local Government Association), para 28



Durham Police and Crime Panel

24 June 2014

Appointment of Independent Co-opted Members

Report of Colette Longbottom, Monitoring Officer

Purpose of the Report

1. The purpose of the report is for the Panel to agree the selection criteria for the appointment of the two independent co-opted Members to the Panel, the advertising arrangements, and the membership of the appointment Panel.

Background

2. On 12 October 2012 the Panel agreed to the appointment of the two independent co-opted Members to the Panel.
3. Their appointment accorded with the requirement under the Police Reform and Social Responsibility Act 2011 for the Panel to have two non-political independent members. The appointment of the two independent members provided the opportunity for the Panel, by carefully selecting individuals to complement the councillors nominated to the Panel, to satisfy the 'balanced appointment objective'. This requires the panel to have a membership, which when considered collectively, would be geographically and politically representative, would include the necessary experience, knowledge and skills to be effective.
4. Independent co-optees are full voting members of the Panel, and therefore have the same responsibilities and duties, and access to the same level of support as elected members on the Panel.
5. Following an advert in the press inviting applications, prospective candidates were interviewed, and the two co-opted Members were appointed for a two year period. Constituent authorities had agreed that the independent members would be appointed for a two year term, which would expire on 31 October 2014.
6. A recruitment process for appointing to the two positions is to be undertaken, in preparation for their appointments to be effective from 1 November 2014. There is nothing in the Panel arrangements or in guidance to indicate that existing members could not be re-appointed.

7. The process would need to meet the following requirements which are set out in the panel arrangements:-
- The selection process should include a reasonable period of advertising for the positions, with a closing date of at least 2 weeks' notice from date the advert was first placed.
 - Information packs be prepared and sent to those requesting application forms.
 - The applications will be considered against agreed eligibility criteria written to achieve the balanced appointment objective.
 - Any Appointment Panel agreed by the Panel to make the appointment would comprise at least one member of each of the constituent authorities.
 - Following the interviews, the Chairman and Vice-Chairman will make recommendations to the Panel about membership.

Selection Criteria

8. Guidance for the Local Government Association has been used to draft the application pack attached at Appendix 1, which includes for the Panel's consideration, the advert, the eligibility criteria, person specification, roles and responsibilities, and an application form.
9. The following cannot be considered for a position on the Panel, namely:
- anyone under 18 years old
 - the PCC or a member of their staff
 - MPs
 - members of the National Assembly for Wales the Scottish Parliament
 - members of the European Parliament
 - police officers
 - persons who do not live or work in the police force area
 - civil servants engaged in political activity.
 - local authority councillors.
10. The person specification sets out the requirements for the appointee, however in summary the Panel would be looking for someone of good character, and possess all of the competencies of the ability to think strategically, to make good judgements, to be supportive, to scrutinise, to challenge, to be analytical, and to communicate effectively.
11. The skills and qualities of team building, self confidence, enthusiasm and drive, respect for others, integrity, and decisiveness, are also required. It would be preferable for candidates to have experience of working in a similar role, eg public or advisory body, or to have worked in the community or voluntary work.
12. LGA guidance also advises that gaps in panel membership, where possible should reflect the diversity of the community they serve, for example in terms of age, gender, faith, ethnicity, sexuality, and disability.

Advertising

13. The first step is to advertise and seek nominations for the independent co-optees.
14. It is proposed that in order for the advert to reach as many people as possible in County Durham and Darlington, a press release be issued, together with the advert being published on the websites of the Durham Police and Crime Panel, and both local authorities.
15. It is proposed that once agreement has been reached by the Panel on the selection criteria, the advertisement is placed as soon as possible, allowing a minimum of two weeks for applications to be made.

Appointment Panel

16. The Police and Crime Panel will oversee the appointment process, with an appointment panel agreed by the Panel to make the appointment, will comprise of at least one member of each of the constituent authorities.
17. The Panel may wish to have an appointment panel made up of 3 or 5 members, and appoint a reserve member.
18. Following the interviews the Chairman and Vice-Chairman will make recommendations to the Police and Crime Panel about membership.
19. It is proposed that the Appointment Panel would meet mid September, and the Police and Crime Panel consider recommendations on 28 October, with the positions being offered to the successful candidates commencing on 1 November.

Term of Office

20. The panel arrangements provided for the co-option of two independent members onto the panel for a term of 2 years commencing October 2012, however did not stipulate the length of office for future appointments. The Panel may wish to consider whether for the reasons of continuity, and experience gained, a longer term may be suitable, and if so for how long.

Recommendation

21. The Panel is asked to consider and approve the selection criteria for advertising the positions of the two independent members.
22. Agree to the advertising arrangements.
23. Agree the length of the term of office of the members.
24. Agree the membership of the appointment Panel, that comprises at least one representative from each of the constituent authorities, and consider whether to appoint a reserve.

25. Agree to give delegated authority to the Assistant Chief Executive, and Head of Legal and Democratic Services in consultation with the Chair and Vice Chair of the Panel to draw up a short-list of candidates.

Contact: Colette Longbottom

Tel: 03000 269 732

Appendix 1: Implications

Finance – Reasonable travel costs be paid to the two independent co-opted members.

Staffing – None specific in this report

Risk – None specific in this report

Equality and Diversity / Public Sector Equality Duty – Recruitment process to be carried out in accordance with the Council's recruitment procedure.

Accommodation - None specific in this report

Crime and Disorder - None specific in this report

Human Rights - None specific in this report

Consultation – None specific in this report

Procurement - None specific in this report

Disability Issues – Recruitment process to be carried out in accordance with the Council's recruitment procedure.

Legal Implications – None specific in this report

Appendix 2: Application Pack

Advert

On 15th November 2012, County Durham and Darlington elected its first Police and Crime Commissioner (PCC) who is responsible for setting the priorities and resources for Durham Constabulary, as well as supporting broader community safety activities across the region.

In addition to this a Police and Crime Panel was established to scrutinise the work of the PCC. The purpose of this role is to assist the Commissioner through providing independent challenge.

The Panel is made up of seven representatives from Durham County Council and three representatives of Darlington Borough Council, and two independent co-opted members.

The Commissioner is required to consult with the Panel on his plans and budget for policing, as well as the level of council tax and the appointment of a Chief Constable.

The Panel is looking for two people who are from the areas of the Borough of Darlington, and County Durham to serve as independent co-opted members from 1 November 2014, for a ??? year term.

The role of a Panel member is an important and demanding one. The typical commitment required from a member of the Panel is expected to average one day a month, including preparation time.

Meetings will generally be held during normal working hours at locations in Durham and Darlington.

All Panel members will be able to claim reasonable travelling expenses, and receive induction and other appropriate training.

For a copy of the application pack see www.durham.gov.uk or telephone Ros Layfield, Committee Services Manager, Legal and Democratic Services, County Hall, Durham DH1 5UL (Tel 03000 269 708) or email ros.layfield@durham.gov.uk

The closing date for applications is ?? September 2014.

The Panel wishes to reflect the breadth of communities in the Durham and Darlington area and welcomes applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability or any other characteristic.

Eligibility criteria for Independent Panel Members

The following cannot be considered for a position on the Panel, namely:

- anyone under 18 years old
- the PCC or a member of their staff
- MPs
- members of the National Assembly for Wales the Scottish Parliament
- members of the European Parliament
- police officers
- persons who do not live or work in the police force area
- civil servants engaged in political activity.
- local authority councillors.

Personal Specification for Panel Members

Abilities/skills

As well as being of good character, candidates will need to possess the following competencies:

- **The ability to think strategically:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **The ability to make good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.
- **The ability to be supportive:** To be able to support the PCC and the other members of the Panel in delivering their duties.
- **The ability to scrutinise and challenge:** To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.
- **The ability to be analytical:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.
- **The ability to communicate effectively:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the Panel, the PCC and the public.

Other requirements and considerations

- Candidates must be able to attend meetings during normal working hours at varying locations throughout the County Durham and Darlington at least six times a year, as well as attend any appropriate training sessions.
- Candidates should have the time, and commitment to prepare for and attend regular meetings. We suggest that they would need to allocate a minimum of one day per month to devote to this role.
- Candidates should have a willingness to learn.

Note: Candidates must be eligible for the role (see eligibility criteria separately listed in the job information pack).

Candidates will need to possess the following personal skills and qualities:

- **Team working:** The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.
- **Self-confidence:** The skill to challenge accepted views constructively without becoming confrontational.
- **Enthusiasm and drive:** The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements).
- **Respect for others:** The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.
- **Integrity:** The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.
- **Decisiveness:** The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

Other requirements

Candidates will need to be able to:

- consider their own biases and prejudices
- work with people from all areas within the police force area
- work with people from diverse backgrounds
- work with people with and without disabilities
- work with people from a variety of faiths and cultures
- work with people who may be gay, lesbian, bisexual or transgender.

It would be desirable if candidates:

have experience of:

- working in a similar role (eg public or advisory body)
- worked in the community or undertaken voluntary work
- situations where they needed to compromise
- interacting or working with people of all ages
- interacting or working with people who have different political views and/or religious beliefs
- interacting or working with people who are physically and/or mentally impaired.

have an interest in:

- policing issues and current affairs, specifically in respect of the ways in which they affect people locally
- challenging and combating institutional discrimination
- the issues associated with recruiting, promoting and retaining staff from underrepresented groups
- engaging with and representing local people and/or specialists within their field of expertise.

Roles and responsibilities of Independent Co-optees on the Panel

Note: independent co-optees will be treated equally as other elected members on the Panel and therefore have the same responsibilities and duties.

All co-optees are full voting members and will have access to the same level of support and information as elected members on the Panel. The core role of both elected members and independent co-optees on the Panel is to:

- scrutinise the work of the PCC to ensure that the PCC is discharging its functions effectively
- bring any specialist knowledge, skills, experience and expertise they may have to the scrutiny work of the Panel
- ensure that there is an effective independent challenge to the PCC and that this challenge is constructive to support the PCC in carrying out their role
- act as a non-party-political voice for those who live and/or work in the Durham Police force area.

Responsibilities of co-optees

A co-opted member of the police and crime Panel is expected to:

- attend all formal meetings of the Panel (approx 4-6 per year)
- establish good relations with other members, officers and co-optees
- attend additional meetings eg working groups or evidence gathering sessions, as required
- prepare for each meeting by reading the agenda, papers and additional information to familiarise yourself with the issues to be covered during the meeting. Prior to the meeting consider the questions you may wish to put to the police and crime commissioner and other expert witnesses
- listen carefully at the meetings, ask questions in a way which is non-judgmental, respect confidentiality and help the Panel to make practical suggestions for improvements in services
- assist in the preparation of reports and the formulation of recommendations; this may involve volunteering to participate in a task group to conduct a scrutiny review
- attend training and development events as needed
- abide by the Panel arrangements and rules of procedure which set out how the police and crime Panel will operate in the Durham police force area
- keep abreast of the key issues in relation to the responsibilities of the police and crime commissioner and the priorities within the police and crime plan
- contribute to achieving an open, accountable and transparent decision-making process in relation to policing and community safety issues in the Durham police force area.

Note: all Panel members would also be expected to adhere to the 'seven principles of public life' which are listed below:

Nolan principles

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by Leadership and example.



**Application Form to be a Independent Co-opted Member
of Durham Police and Crime Panel**

1. Personal Details

The information in this section will not form part of the shortlisting process and will be separated from your application form upon receipt

Title (Mr/Mrs/Ms etc)		
Name in Full (please also give any other names by which you have been known)		
Date of birth		
Permanent Home Address		
How long have you lived at this address		
If less than five years at this address, please give details of your previous address(es), and dates occupied		
Telephone number	Home	Work
Mobile:		
e-mail address		

Please say whether there are any reasonable adjustments we could try to make to help you attend an interview

--

REFERENCES: Please give details of two people, not related to you, who have agreed to be contacted by us about your application. We intend to take up references for shortlisted candidates prior to interview. If you do not wish us to contact your referees at that stage then please indicate this clearly.

Name		Name	
Address		Address	
Tel. No.		Tel. No.	
Email:		Email:	
Position		Position	

Please sign and date this form

I declare that the information I have given is true and complete

Signed..... Date.....

2. Personal history

What is your current employment status and occupation, if any?

Please give details of part-time and full-time employment, voluntary work, career breaks and any other work you do or have done in the local community. If you do not live in County Durham or Darlington and/or have not done so during the past 12 months please include the main location of your work if this is different from your employers address.

Name and address of organisation	Dates position held (from/to)	Positions held and nature of responsibility

Please give details of any involvement in local community activities not already mentioned above

Please list any academic, professional and/or vocational qualifications	Date obtained

3. Required competencies, personal skills and qualities

Please give brief examples to demonstrate how you meet the following competencies	
<p>1. The ability to think strategically</p> <p>To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.</p>	
<p>2. The ability to make good judgements</p> <p>To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.</p>	
<p>3. The ability to be supportive</p> <p>To be able to support the police and crime commissioner and the other members of the Panel in delivering their duties.</p>	
<p>4. The ability to scrutinise and challenge</p> <p>To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.</p>	
<p>5. The ability to be analytical</p> <p>To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.</p>	
<p>6. The ability to communicate effectively</p> <p>To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the Panel, the police and crime commissioner and the public.</p>	

Please give brief examples to demonstrate the extent to which you possess the following personal skills and qualities	
<p>1. Team working</p> <p>The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.</p>	
<p>2. Self-confidence</p> <p>The skill to challenge accepted views constructively without becoming confrontational.</p>	
<p>3. Enthusiasm and drive</p> <p>The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements)</p>	
<p>4. Respect for others</p> <p>The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.</p>	
<p>5. Integrity</p> <p>The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.</p>	
<p>6. Decisiveness</p> <p>The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.</p>	

Please provide any further information on how you meet the other requirements

Please give details of your experience (in a paid or unpaid role) in community safety, victim support, criminal justice and related issues.

4. Why do you want to be an independent co-opted member?

Please say why you are interested in becoming an Independent co-opted member of the Durham Police and Crime Panel

5. Other information

If you are employed, is your employer willing to release you to carry out the duties of a independent co-opted member of the Durham Police and Crime Panel?

6. Other Positions

Do you hold, or have you recently held, any of the following positions?

- The police and crime commissioner for Durham
- A member of the staff of the police and crime commissioner for Durham
- A member of the civilian staff of the Durham police force
- A Member of Parliament, the National Assembly for Wales, the Scottish Parliament or the European Parliament
- A local authority councillor
- A civil servant engaged in political activity
- A police officer.

If yes, please give details including dates

7. Important Information

Is there anything in your private or working life, or in your past, or, to your knowledge, in that of any member of your family or close friends, which, if it became generally known, might bring you or the Durham Police and Crime Panel into disrepute, or call into question your integrity, authority or standing as a member of the Panel?

If you have any spent or unspent convictions to declare please declare them here. You must declare association with any person(s) including family member who have a criminal conviction (s) or is/ has been involved in criminal activities as well as any spent or unspent criminal convictions and cautions they as an individual may have. Are there any other circumstances and characteristics, which may impact upon vetting clearance.

If yes, please give details.

I declare that the information I have given is true in all respects. I understand that false information may render me liable for dismissal if I am appointed.

Signature..... Date.....

8. Equality Opportunities Monitoring Form

We are a equal opportunities employer and want to ensure that all applicants are considered solely on their merits. Therefore we need to check that decisions are not influenced by unfair or unlawful discrimination. To help us we should be grateful if you would complete this short questionnaire. You only need answer if you feel happy to do so. Your answers will be treated with the utmost confidence and will only be used for statistical purposes.

1. Are you:		<input type="checkbox"/> Male	<input type="checkbox"/> Female
2. How old are you: Which age category are you in?			
<input type="checkbox"/> 18-19	<input type="checkbox"/> 20-29	<input type="checkbox"/> 30-39	<input type="checkbox"/> 40-49
<input type="checkbox"/> 50-64	<input type="checkbox"/> 65-74	<input type="checkbox"/> 75-84	<input type="checkbox"/> 85 +
Do you consider yourself to be a person with a disability?			
This may include a physical or mental impairment which has substantial and long-term adverse effect on your ability to carry out normal day to day activities. Long-standing means that it has lasted, or is likely to last, for over a year.			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
		<input type="checkbox"/> Prefer not to say	
4. What is your religion or belief?			
<input type="checkbox"/> Christianity	<input type="checkbox"/> Hinduism	<input type="checkbox"/> Islam	<input type="checkbox"/> Judaism
<input type="checkbox"/> Sikhism	<input type="checkbox"/> Buddhist	<input type="checkbox"/> Baha'i	<input type="checkbox"/> No religion
<input type="checkbox"/> Other – eg Humanist, Atheist, etc (Please state)			<input type="checkbox"/> Prefer not to say
5. How would you describe your sexuality?			
<input type="checkbox"/> Heterosexual / Straight		<input type="checkbox"/> Bisexual	<input type="checkbox"/> Prefer not to say
<input type="checkbox"/> Gay Man		<input type="checkbox"/> Gay Woman / Lesbian	
6. Please describe your ethnic origin?			
White		Black or Black British	
<input type="checkbox"/> British		<input type="checkbox"/> Caribbean	
<input type="checkbox"/> Irish		<input type="checkbox"/> African	
<input type="checkbox"/> Any other White background		<input type="checkbox"/> Any other Black background	
Arab or Middle Eastern		Travelling Community	
<input type="checkbox"/> Arab		<input type="checkbox"/> Gypsy/ Roma	
<input type="checkbox"/> North African		<input type="checkbox"/> Traveller of Irish Descent	
<input type="checkbox"/> Any other Arab or Middle Eastern background		<input type="checkbox"/> Other member of the Travelling Community	
Asian or Asian British		Mixed	
<input type="checkbox"/> Indian		<input type="checkbox"/> White and Black Caribbean	
<input type="checkbox"/> Pakistani		<input type="checkbox"/> White and Black African	
<input type="checkbox"/> Bangladeshi		<input type="checkbox"/> White and Asian	
<input type="checkbox"/> Chinese		<input type="checkbox"/> Any other Mixed Background	
<input type="checkbox"/> Any other Asian background			
Other Ethnic groups please state		Prefer not to say	
		<input type="checkbox"/> Prefer not to say	
7. What is your relationship status?			
<input type="checkbox"/> Married/ Civil Partnership		<input type="checkbox"/> Prefer not to say	

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 15

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