

# Public Document Pack



## Devon and Cornwall Police and Crime Panel

c/o Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

Please ask for Judith Shore, Democratic  
and Member Support Manager  
T 01752 304494  
E [judith.shore@plymouth.gov.uk](mailto:judith.shore@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
28 March 2013

## DEVON AND CORNWALL POLICE AND CRIME PANEL

Tuesday 9 April 2013

10 am

Council House (Next to the Civic Centre), Plymouth

### Members:

Councillor Croad (Devon County Council), Chair

Councillor Kennedy (Cornwall Council), Vice Chair

Councillors Barker (Teignbridge District Council), Boyd (Torridge District Council), Greenslade (North Devon District Council), Diviani (East Devon District Council), Dolphin (Cornwall Council), Folkes (Cornwall Council), Hare-Scott (Mid Devon District Council), Hicks (Isles of Scilly), Maddern (Cornwall Council), Oliver (Torbay Council), Penberthy (Plymouth City Council), Saltern (South Hams District Council), Sanders (West Devon Borough Council), Sutton (Exeter City Council), Williams (Plymouth City Council) and Wood (Cornwall Council)

### Independent members:

Yvonne Atkinson (Devon) and Mike Firbank (Cornwall and Isles of Scilly)

Members are invited to attend the above meeting to consider the items of business overleaf.

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# **DEVON AND CORNWALL POLICE AND CRIME PANEL**

## **1. APOLOGIES**

To receive apologies for non-attendance submitted by members.

## **2. MINUTES**

**(Pages 1 - 14)**

To sign and confirm as a correct record the minutes of the meeting held on 8 February 2013.

## **3. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this agenda.

## **4. PUBLIC QUESTIONS**

To receive questions from (and provide answers to) members of the public that are relevant to the panel's functions.

Questions should be no longer than 100 words and sent to Democratic Support, Plymouth City Council, Civic Centre, Plymouth PL1 2AA or [democratic.support@plymouth.gov.uk](mailto:democratic.support@plymouth.gov.uk). Questions must be received at least 5 complete working days before the meeting.

## **5. FINAL POLICE AND CRIME PLAN**

**(Pages 15 - 30)**

The Police and Crime Commissioner, Mr Tony Hogg, will present the published Police and Crime Plan to the Panel.

## **6. POLICE AND CRIME COMMISSIONER'S REPORT ON ACTIVITIES AND DECISIONS**

**(Pages 31 - 38)**

The Police and Crime Commissioner has provided the Panel with a report which he proposes to provide to the Panel on a regular basis, regarding the activities and decisions he has made to date. The report also details any forthcoming planned events.

## **7. PROPOSAL FOR HANDLING NON-CRIMINAL COMPLAINTS ABOUT THE POLICE AND CRIME COMMISSIONER**

**(Pages 39 - 50)**

Options for the handling of non-criminal complaints will be presented to the Panel for their consideration.

## **8. SCRUTINY WORK PROGRAMME**

**(Pages 51 - 56)**

The Panel will consider options and issues for inclusion into their scrutiny work programme.

**9. FUTURE MEETING DATE**

The next meeting of the Panel is scheduled to take place on Thursday 11 July.

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**Devon and Cornwall Police and Crime Panel****Friday 8 February 2013****PRESENT:**

Councillor Croad, in the Chair

Mike Firbank (Independent member), Vice Chair

Councillors Atkinson, Barker, Boyd, Diviani, Dolphin, Greenslade, Hare-Scott, Hicks, Maddern, Oliver, Paynter, Penberthy, Saltern, Sanders, Sutton and Williams.

Independent member: Yvonne Atkinson

Apologies for absence: Councillors Folkes (substitute: Councillor Paynter), Kennedy and Wood

Also in attendance: Peter Aley, Head of Safer Communities, Sarah Hopkins, Community Safety Partnership Manager, Judith Shore, Democratic and Member Services Manager, Bernadette Smith (Senior HR Adviser), Tim Howes (Assistant Director for Democracy and Governance)

The meeting started at 10.30 am and finished at 3.17 pm.

*Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*27. **MINUTES**

AGREED that the minutes of the meeting held on 17 January 2013 are approved and signed by the Chair as a true and accurate record.

28. **ELECTION OF VICE CHAIR FOR THE MEETING**

AGREED that, in the absence of Councillor Kennedy, Mr Firbank acts as the Vice Chair for the meeting.

29. **DECLARATIONS OF INTERESTS**Personal interests

Mike Firbank – he undertook chaplaincy work in Camborne and Redruth and a number of close friends were serving police officers

Councillor Barker – he was responsible for budgetary matters at Teignbridge District Council

Councillor Greenslade – his son in law was a serving police officer in the Devon and Cornwall force; he was Director of Exeter airport; he knew and had worked with

Mr Sawyer for some time and he was responsible for budgetary matters at Devon County Council

Councillor Sanders – he was responsible for budgetary matters at Devon County Council

Bernadette Smith – a family member was a serving police officer in the Devon and Cornwall force

30. **PUBLIC QUESTIONS**

No questions had been received from members of the public.

31. **CONFIRMATION HEARING FOR THE ROLE OF CHIEF CONSTABLE OF DEVON AND CORNWALL POLICE**

The Chair advised that the confirmation hearing was being held in order to consider the Police and Crime Commissioner's proposed appointment to the position of Chief Constable of Devon and Cornwall Police. He welcomed Mr Sawyer (the preferred candidate) and Mr Hogg (the Police and Crime Commissioner [PCC]) to the meeting.

The Chair advised Mr Sawyer that during the course of the hearing the Panel hoped to gain further information from him about how he met the criteria for the post and his suitability for the role and would ask him a series of questions to enable them to assess his professional competence and personal independence.

After the confirmation hearing, the Panel would meet in private to consider the appointment and the press and public would be asked to leave the meeting. The PCC would then be advised of the Panel's decision.

The following questions were asked and answers given.

*Personal independence*

Cllr Croad: in your role, you would be expected to maintain political independence from the PCC and his office but you would also be expected to support and assist the PCC with the delivery of the Police and Crime Plan. What did he see as the challenges and opportunities in this respect and how would he deal with this?

Mr Sawyer responded that operational independence was enshrined in the Home Secretary's policing protocol and the office of Chief Constable took an oath of independence to serve the Crown and the public. He took the oath very seriously. He had been a serving police officer for 27 years and in previous roles (including in counter terrorism) he had maintained a tradition of operational independence. He had regard to the environment in which he worked which included local authorities, the Commissioner as well as the Home Secretary (with regard to the strategic policing requirement). When he made operational decisions or decisions about the style of policing he was apolitical and proportionality of the police response was a factor to be taken into account. Policing was effective only with the consent of the

public. He reminded Panel members that the PCC had also taken an oath of impartiality and that he could not foresee a position when the PCC and he would not be able to agree a way forward, by discussion,.

Councillor Hare Scott: in your role as Chief Constable, you would be required to balance operational needs within a framework of priorities and objectives set by the Police and Crime Commissioner. What did he see as the risks associated with this and how would he overcome them?

Mr Sawyer advised that a major tension could often be between short term and long term considerations and local and national priorities had to be taken into account. It could sometimes be easier to respond in the short term. However, he considered that a long term view was essential. Areas such as safeguarding and public disorder required considerable funding but he was also concerned to connect with hard to reach groups and tackle crimes that didn't necessarily command the greatest attention such as sexual abuse, child abuse and hate crimes. The national agenda, the strategic policing requirement set by the Home Secretary, also had to be taken into consideration. The peninsula was not immune to cyber terrorism and organised crime and requirements had to be balanced on a weekly and daily basis and reported to the PCC

Mr Firbank: when the first major incident in Devon and Cornwall was dealt with under the new Commissioner arrangements, where did he think the boundary between his and the Commissioner's role needed to lie?

Mr Sawyer advised that a serious operational incident was the responsibility of police and the blue light agencies which included management of the media and assisting victims and families. The PCC had a wider responsibility which was to ensure a coordinated response, to reassure the community, to hold the Chief Constable to account and to ensure that resources were sufficient to meet the needs of such incidents. This included the training and availability of the necessary expertise and the quality of the investigation. Public enquiries and crime enquiries could have very different outcomes and public enquiries could be very political. The PCC would ask questions on behalf of the public about how the police responded, whether the issues were dealt with competently and would hold the Chief Constable to account for the actions of the police.

### *Professional competence*

Mrs Atkinson: as he was well aware, Devon and Cornwall was a force area that was very diverse in terms of the levels and types of crime and seasonal variances. What personal qualities and experience would he bring to ensure policing met these needs across rural, urban and coastal areas?

Mr Sawyer had worked for 26 years in central London and working in area that had 500 miles of coastline was quite different. However, he had 6,000 staff who did have that experience and he listened closely to his workforce. The PCC had made it clear that he wanted neighbourhood police officers and special constables working in local communities and responding to crime in those communities. On a macro level, he had the overview of where resources were required at different times of year, including the holiday influx to areas such as Newquay and north Devon. The force

was reliant on working with special constables, volunteers and street pastors especially in relation to the night time economy in Plymouth and such volunteers greatly assisted with de-escalating incidents. His background in urban policing, serious and organised crime and counter terrorism had created awareness of risk management and crime in the peninsula could be managed down with a greater understanding of where there was connection between serious organised crime and local crime

Councillor Sanders: with current budgetary pressures for the police and other public services and partners high on the agenda, what experience could he draw upon to maintain effective policing with less resources, and identify opportunities for delivering efficiencies through, for example, shared services with local authorities and other partners?

Mr Sawyer responded that this process was already underway and that there was £32 million less in the budget and around 400 fewer officers than when he joined the force so economies were already being delivered. Collaborative approaches were essential such as at shared offices, some joint working with fire offices, joint outreach work and Devon and Cornwall Police was the regional police procurement lead. Sharing information with social services and the health service and other partners was essential – the biggest asset he had was time and this should be directed towards problem solving and reducing demand and repeat offending. Unit costs were far less than 10 years ago. Outsourcing in itself wouldn't necessarily drive down costs; the biggest cost was people so it was very important to consider how their time was used.

Councillor Saltern: what did he think gave the public confidence in the police and how would he increase that?

Mr Sawyer responded that people were affected by what they saw and heard, both nationally and locally and the style of policing should be open handed and engaging. The PCC had identified an increasing tension between the police and the public - the public was not convinced that the police would respond how they wanted or that they would receive a service they liked. The level of service was generally acceptable but that was not good enough because he had high standards. Public confidence tended to be lost when the initial contact or the follow up wasn't quick enough. This needed to improve although a survey said that 95% of people had ease of contact. The delivery challenge was to raise public confidence.

Should he be successful today one of his first communications to the force would be about integrity and values and how one individual acting corruptly would undermine the whole. An honest mistake honestly made would be understood. Corruption would not be tolerated and would result in an individual being asked to leave the force.

Councillor Saltern asked whether the level of complaints had increased?

Mr Sawyer confirmed that complaints were on the increase, not for corruption or for wrong doing but for incivility. Compared to other police forces, Devon and Cornwall Police were average but Mr Sawyer confirmed that this was not acceptable



as he didn't do average. There was no excuse for incivility and, if it did occur, should be apologised for.

Councillor Greenslade asked whether police officers always used their time most effectively to give the greatest visibility?

Mr Sawyer commented that the previous police authority was clear about improving the use of time increasing accessibility. The public liked foot patrols and whether that was the most effective use of police officer time was not necessarily the main consideration. The geography of the area meant that even if all officers were on duty at the same time, there wouldn't be a very visible presence over 4,400 square miles. Special constables could be used more and, for young people, the greater use of apps, cyber space and social media should be increased.

Councillor Williams: what leadership qualities would he apply to managing performance against the Police and Crime Plan?

Mr Sawyer responded that an in depth understanding of problems was key. For example, the increased number of rapes was likely to be the result of victims feeling that they could come forward and victims of crime should be encouraged to do so. Another leadership quality was ethical behaviour. Also, encouraging partners to work much more closely together and to agree when the police or a partner should take the lead. Mr Sawyer confirmed that he didn't like losing and was keen to succeed. He was very loyal to the people he swore an oath to and everyone deserved to live in a safe community.

Mr Firbank commented about examples of behaviour within statutory agencies where people failed to make moral choices and asked Mr Sawyer how he would instil such values all the way through the force?

Mr Sawyer responded that the workforce had to be engaged to understand the values of trust, courage, respect and objectivity. If mistakes were made, they should be admitted. The police lead by consent and respect was earned.

Councillor Saltern questioned the seemingly constant changes in the way in which crime was reported and asked whether this could be more consistent?

Mr Sawyer advised that the best, independent, figures were collected by the British Crime Survey. The force undertook telephone surveying and knew that some crimes were under reported. He acknowledged that the communication of the results could be improved. The Police and Crime Plan considered benchmarking and the importance of accurate and clear reporting of figures.

Councillor Greenslade: how would he ensure that the attitude of leading by consent was communicated throughout the workforce?

Mr Sawyer advised that the police were a command and control, disciplined organisation. However, he was currently considering the option of Assistant Chief Constables being more aligned locally. Only two per cent of the organisation was in supervisory ranks and the best and most direct forms of communication were

directly to the lower ranks such as sergeant or the heads of units and they hadn't always been directly involved.

Councillor Hicks: you commented that a visible presence was important for public perception – a large part of the organisation is civilian – could they work in uniform?

Mr Sawyer responded that this hadn't been considered though it could be and that he would consider this option.

Councillor Williams: with regard to street pastors and other volunteers assisting with the policing of the night time economy – how did he ensure that they all adhered to the public sector equality duty?

Mr Sawyer acknowledged inconsistencies of approach though regular training and conferences were organised. The volunteers understood that the primary aim was to assist the person in need. There were also health and safety briefings but the nature of volunteering meant that all the necessary information could not always be communicated. Mr Sawyer undertook to respond directly to Councillor Williams about the standard procedures and copy the response to the other Panel members.

Councillor Penberthy asked how Mr Sawyer had developed community policing in the past and what he would do in the future for all neighbourhoods and diverse communities.

Mr Sawyer said that a standard approach across neighbourhoods was not ideal. Community based policing was the most appropriate model. In some areas, for example anti-social behaviour, a joint approach with partners to coordinate at the point of delivery was developing. Police officers required more training in problem solving and with working with other individuals and organisations at the point of delivery. It was not always appropriate for the police to take the lead; team working was essential – using evidence based outcomes. For example, the probation service now took the lead in respect of high risk violent offenders as this was most appropriate for that part of the criminal justice system.

The Chair asked Mr Sawyer whether he had any further comments to make.

Mr Sawyer commented that he really wanted the position because he believed in Devon and Cornwall and that he was a police constable at heart, though in a very senior role. He wanted to play his part in delivering the current plans and to cut crime. He observed that police officers were, at times, heroic and deserved to be well led and he would like to prove he could do that. The aim was to make Devon and Cornwall a safe place for children to grow up, for people to grow old safely and for visitors to say good things about us when they go home. The police had a clear role in that.

AGREED that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

The press and public left the meeting room and the Panel considered the appointment of the Chief Constable.

AGREED unanimously that the Police and Crime Panel supports the appointment of the PCC's preferred candidate, Mr Shaun Sawyer, for the position of Chief Constable of Devon and Cornwall Police.

The PCC was then invited to return to the meeting room and informed of the Panel's unanimous decision.

*The meeting adjourned for 45 minutes*

32. **CONSIDERATION OF THE POLICE AND CRIME COMMISSIONER'S DRAFT POLICE AND CRIME PLAN**

The Chair asked the Police and Crime Commissioner to present his draft Police and Crime Plan.

The PCC gave a presentation to the Panel about the various elements contained within the draft Plan (attached to the agenda). He commented that, this year due to the timing of the PCC elections in November 2012, the consultation period had been necessarily truncated. The consultation resulted in around 140 responses being received.

He acknowledged that his relationship with the Panel would be critical and advised that he had fully consulted the Chief Constable about the Plan. The delivery plans were being developed and, since being elected, he had appointed a senior adviser and was developing relationships with partners and an open and transparent governance structure.

He wanted to establish how he could contribute to a flourishing economy and the wellbeing of the people and the area. To do this he would work with Local Enterprise Partnerships, Health and Wellbeing boards, the health sector, young people and business. His team combined a balance of being strategic and offering a public face for people to turn to. Particular issues were sexual offences, anti-social behaviour and drug and alcohol dependency.

He had been elected to give the public a greater say in policing priorities and there was a balance to be struck between this, professional policing, politics and balancing resources. He had regard to the Community Safety Partnerships' peninsula strategic assessment, consultation responses and his own judgement. He wondered whether the voluntary sector should have a greater contribution and would review this annually. He considered that people wanted to be reassured about the integrity of the police and to understand how they worked. The sharing of resources between rural and urban areas would need to be balanced and value for money had to be demonstrated.

The PCC went through his plan in some detail and Mr Walton (Treasurer, Office of the PCC) highlighted some of the main financial aspects of the plan.

The Chair advised that this and the next agenda item could be considered together and members could ask questions about either.

Following the presentation, the PCC answered members questions:

Q The Plan refers to importance of the strategic role and working together with partners – if the pain of budget reductions is spread too widely would this affect commissioning, budgets and the ability to target priority areas?

A Only two months into the job, the PCC wanted to develop relations with all partners including Community Safety Partnerships, the local Criminal Justice Board, Health and Wellbeing boards and so on and had a matrix of all the areas in which he needed to work. He would put politics aside and hoped to bring other options and solutions. With regard to funding for external organisations to be provided by the Home Office to the Commissioner, it was expected that this would be cut by about 10%. He was minded to provide this funding, in 2013/14, to the organisations who were previous beneficiaries, minus the cut evenly spread. This would be reviewed during 2013/14 with the view to allocating such funds in 2014/15 to areas that promoted the Police and Crime Plan.

Q With respect to the decrease in numbers of Police Community Support Officers (PCSOs) and the increased use of special constables, how would this affect neighbourhood policing teams?

A Reducing PCSOs to around 360 was the correct balance though this was a judgement for the Chief Constable. If there was further pressure later, the balance might have to be re-examined. PCSOs were not being replaced with special constables as they had different roles.

Q When on the campaign trail you said you were minded to not increase the precept by accepting the 'freeze grant'. What has changed your mind?

A The PCC did not recall taking a view on accepting the freeze grant.

Q You mentioned equality when recruiting. I have concerns about positive discrimination as it can become discrimination in its own right – what are your views?

A There was an opportunity to do something positive though there were not many ways for the public sector equality duty to effect change. It was a challenge that was being looked at.

Q There was reference to overtime levels in the presentation – was that a catch all that included getting rid of 'Spanish practices' and reducing sickness levels?

A The Windsor Review was about terms and conditions and has affected us. Surges in requirements, such as policing for the Olympics, need to be catered for. Sickness was not part of the overtime figure and was budgeted for separately.

Performance review mechanisms were a mechanism to review sickness levels and the PCC had already asked for a report about the matter.

Q With regard to domestic abuse/violence and the recording of such crimes - how do you ensure that statistics are meaningful for local people?

A The accurate tracking of domestic and sexual violence was difficult and some background work was being undertaken in relation to safeguarding issues. However, the PCC undertook to review this issue.

Q With regard to domestic abuse/violence and partnership work – Operation Encompass was reported in the media today because procedures had not been correctly followed. What knock on effect could this have?

A There was an intention to roll the scheme out across all areas that wished to take part. Six referrals out of 240 had been missed since September which, although a small percentage, was too many and improvements were being worked on. A response would sent directly to Councillor Penberthy, who had asked the question.

Q. Could there be something more proactive in the plan about responding to crimes of prejudice? For example, Plymouth had concerns about homophobia and transphobia.

A The intention of the Plan was not to limit the work of the police in this area. The first step was to understand the matter (as highlighted in the strategic assessment). It was also important to demonstrate zero tolerance and lead by example. There would be specific targets, particularly around street violence.

Q Why has no provision been made in the budget for redundancy costs?

A Redundancy costs had been taken into account in the revenue budgets.

Q Could reported crime statistics be consistent year on year?

A The PCC agreed that clarity was important when presenting figures. A key element of the PCC's remit was to explain the information to the public.

Q If you had accepted the two year 'freeze' grant, could it be built into the base budget for next year?

A It was a choice whether to accept the freeze grant or not. However, to take the freeze grant would result in losses over a period of four years.

Q If we support the plan were we being locked into a 2 year freeze?

A The precept would be agreed for one financial year only but certain forward planning assumptions, in order to achieve a sustainable budget in future years, had been built into the budget.

Q Could there be something more supportive/positive in the plan about PCSOs?

A The work of the PCSOs should be celebrated. However, if there were further budget reductions, the balance between special constables and PCSOs would need to be addressed.

Q Concerning the increase in road traffic accidents, particularly in Torridge and North Devon, could there more emphasis in the Plan? Will there be a delivery plan at some stage?

A Road safety issues were included in the Plan as a result of consultation responses. There was an initiative to enable armed response vehicles, whose operatives were traffic trained, to undertake traffic work when they were not being used elsewhere (120 officers). The PCC recognised that there were local issues in parts of Devon. There were delivery plans but the PCC wasn't sure that the Panel would want to see this level of detail as the PCC was responsible for strategy, not operational policy.

Q Was information about the PCC's office staff included in the Plan? There would be savings because the PCC did not have 19 police authority members and no committee meetings. Would he share resources with other PCCs' offices?

A The police authority had a budget of around £1.67million and the PCC's office cost less. During the first year of operation, it wasn't clear how the staffing structure would develop. Responsibility for victim services was now a responsibility and he was re-examining all the job roles. Different expertise and advisers may be required and the PCC undertook to keep the Panel advised of his intentions. He would generate value for money and was accountable to the public.

Q With reference to investing in the police for the future, was there still an issue where the government was holding back £4.6 to £5m under 'damping'?

A The PCC advised that £3.5million of the force's funding was protected and the government didn't owe any money.

Q The number of special constables should be increased however it was understood that they didn't always respond to an incident – was the balance between PCSOs and special constables correct?

A If local communities became more involved in community policing this would augment the neighbourhood teams, which could make the community feel safer.

Q What did he propose to do about the democratic deficit?

A In terms of transparency, the PCC advised that he had every intention of webcasting meetings. Governance issues would be given further consideration during 2014. He intended to be at least as open and transparent as the police authority.

Q What was the effect of damping?

A The Department of Communities and Local Government had not yet published any detail behind future funding arrangements. There was no cash effect.

Q Has the balance of priorities between urban, rural and coastal areas changed? If so, how?

A There was already a summer policing plan mainly for the coastal areas, whilst the majority of crime took place in urban areas. Next week rural crime was going to be highlighted. However, the priority was to reduce crime across the peninsula by the use of an integrated policing model. The focus on safeguarding remained important.

Q The Brixham Coastguard Station was going to close in 2015, what impact would this have?

A We're responsible for 12 miles out from the coast and have 500 miles of coastline. This issue was currently in the political arena.

Q The terrorism threat had a national dimension and there were military bases in the area – was the PCC satisfied with the response capacity of the police force?

A There was a strategic policing requirement, which was a risk based system. The priorities of prevent, protect, prepare and pursue remained in force. There was government funding for these elements, although it was reducing.

Q What was the intention with regard to funding other organisations since the youth justice grant had been redirected towards the police?

A There was expected to be an overall reduction in funding of 10% which would be spread across all areas of funding.

Q The overall number of staff had been reduced but the number of special constables would be increased. How many would there be in future?

A The overall number of police would increase. The plan was to have 600 special constables.

Q What aren't priorities?

A The PCC advised that this had been discussed at the previous meeting.

Q How many surgeries had the PCC held to-date?

A Not many to-date but there was a plan in place and many meetings with organisations had already been held. Social media would be used. The PCC undertook to provide information about surgeries at a later date to Councillor Paynter who had asked the question

Q Was there any information you came across that you could not mention in the Plan? What kind of information would you like to have had?

A The PCC would have preferred a longer period for consultation and the consultation methods could be improved. A concern was that many people and elements of the voluntary sector had not been at all involved in the process and this could be improved.

Q How would the PCC measure social impact and take this into account in his commissioning decisions?

A The PCC would try to make it part of his commissioning strategy and would locate the necessary expertise and skills in order to improve partnership working.

Q Was a revenue reserve of £23.61m more than adequate?

A The reserves were earmarked for specific projects mentioned in the Plan, which would help to achieve the targets set out in the Plan, but would not all be spent in the next financial year. Some were for longer term projects..

Q Was the service provision for the helicopter meeting the force's needs?

A The helicopter was not ideal for Cornwall and the Isles of Scilly in particular. A fixed wing option may be more suitable.

Q Are you or the public satisfied with the way in which the 101 non-emergency number works?

A The PCC advised that the initial response was usually satisfactory but it was the follow up timescale that caused concerns. Customer service was also an issue which was connected to the closure of police stations. However, only 30% of calls related to policing issues. Should there be more cooperation between partners – a multi-agency approach? There were 700,000 calls a year and 93% of calls were answered within 20 seconds.

Q You mentioned co-location with the fire authority, don't forget local authorities.

A The PCC agreed that it was important to work in partnership wherever possible.

Q How many responses did you receive to your consultation and how will you improve future consultations?

A The PCC advised that there had been 140 responses and a good spread of comments. The PCC's Communications Manager briefed the Panel about the communication strategy and the recent consultation. The draft Plan and questionnaire had been on the PCC's website and provided in three different formats though it was recognised that 20% of people did not have access to a computer. It had been circulated to more than 7,500 people together with pre-paid envelopes. Many people passed the Plan to others and it was estimated that more than 10,000 people had read the draft Plan. The Plan had been sent to all members of the Independent Advisory Group. It had been promoted on facebook and



Twitter. There had also been considerable engagement with the local media. The success of the PCC's role depended on community engagement.

Q Surely a helicopter would be more effective – a fixed wing aircraft has not been able to land at Land's End for eight weeks.

A A helicopter could reach its destination more quickly though there were issues in terms of hover noise. However, the service requirement and the funding were being reassessed.

Q Could you lease a helicopter or have a second helicopter?

A There was a national reserve facility which allowed another helicopter to be available when the force's machine was out of commission.

Q A lot of people would prefer that PCSOs did not attend parish council meetings but were available elsewhere.

A They would need to be selective about attending.

Q How do elderly people without a computer access the Plan? Was it available in libraries?

A The PCC was conscious of the need for hard copies of the Plan to be available. The Plan will have a phone number on it and we'll try and find an inexpensive way of distributing them.

Q The issue of damping was not understood – how would the budget be affected

A The damping was applied to all police organisations – out of that 1% of grant had been lost The PCC would send further information to Councillor Greenslade who had asked the question.

Q There had previously been different levels in the percentage increase of Council Tax raised by local government and the police. Did the police have the same restrictions in terms of a referendum?

A The percentage increase at which the police and local government would have to hold a referendum was the same – 2%

Q Was there still a budget smoothing fund?

A Yes, it would be used over the four year period in order to smooth budget fluctuations and was part of the general reserves.

AGREED that:

- (a) the Devon and Cornwall Police and Crime Panel approve the Police and Crime Plan subject to the comments made to the Police and Crime

Commissioner by members of the Panel and recorded on the webcast and in the minutes; and

- (b) the Police and Crime Commissioner IS requested to submit a final copy of the Plan to members of the Police and Crime Panel prior to its publication.

33. **CONSIDERATION OF THE POLICE AND CRIME COMMISSIONER'S PROPOSED LEVEL OF PRECEPT**

The Police and Crime Panel considered the Police and Crime Commissioner's proposal to increase the precept by 2% and the reasoning behind that proposal (as presented, discussed and considered in the previous item above).

AGREED that, having considered the evidence presented by the Police and Crime Commissioner, the Chief Constable and their support staff, the precept proposal is accepted without further recommendation.

**DEVON AND CORNWALL POLICE AND CRIME PANEL**

**Subject:** Final Police and Crime Plan

**Date:** 9 April 2013

**Author:** Sarah Hopkins, Community Safety and Partnerships Manager

**Organisation:** Plymouth City Council (Host authority)

**Contact:** Tel: (01752) 305542 Email: sarah.hopkins@plymouth.gov.uk

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**Executive Summary:**

Section 5 of the Police Reform and Social Responsibility Act 2011<sup>1</sup> requires that the Police and Crime Commissioner (PCC) must issue a Police and Crime Plan within the financial year in which each ordinary election is held or as soon as practical after taking up office. In preparing the Plan, the PCC is required to consult with the Chief Constable. The PCC and Community Safety Partnerships have a reciprocal duty to have regard to each other's priorities.

The Act also requires that Police and Crime Panel (PCP) review the PCC's draft Police and Crime Plan, or any variation. The PCC is required to have regard to any report or recommendations made by the PCP in relation to the draft plan or any variation and give a response to any report or recommendations and publish that response. The plan is both a core planning tool for PCCs and an important mechanism for communicating their intentions to the public, police, partners, panel and other stakeholders.

The Panel was consulted on the draft Plan at the meetings held on 17 January and 8 February 2013. The Panel agreed the final draft of the Plan at the meeting on 8 February 2013 subject to the PCC reviewing the webcast and taking account of the feedback provided at that meeting.

The Police and Crime Plan before the Panel today (Appendix I) is the final document which the PCC was required to finalise and publish by 31 March 2013.

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**Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Police and Crime Panel considers whether it wishes to endorse the final version of the Police and Crime Plan.

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**Alternative options considered, and reasons for recommended action:**

The Panel can decide not to endorse the final version but this will have no further impact on the Police and Crime Plan. The Panel and the PCC have complied with the statutory functions as stated in the Police Reform and Social Responsibility Act 2011.

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**Background Papers: none**

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

## I. Background

- I.1 Members will recall that, at the meeting of the Police and Crime Panel held on 17 January 2013, the Police and Crime Commissioner (PCC) gave a presentation about the emerging strategic themes, objectives and priorities for the Police and Crime Plan and how they would be delivered.
- I.2 At that meeting, the PCC confirmed that the Plan was still under development and that the consultation period with members of the public would start in the next few days.
- I.3 At the Police and Crime Panel meeting of 8 February 2013, the PCC presented the draft Plan; stated that the consultation had resulted in 140 responses and also advised that he (PCC) had fully consulted with the Chief Constable about the plan.
- I.4 It was agreed at the meeting of the Police and Crime Panel of 8 February that the:
  - Devon and Cornwall Police and Crime Panel approve the Police and Crime Plan subject to comments made to the PCC by members of the Panel and recorded on the webcast and in the minutes; and
  - Police and Crime Commissioner is requested to submit a final copy of the Plan to members of the Police and Crime Panel prior to its next publication.
- I.5 Members may ask further questions about the final version of the Plan. However, the final version cannot now be changed as it must be published by 31 March 2013.

# SAFER TOGETHER

*My plan to make our communities safer through a collective approach to tackling crime and anti-social behaviour*

**Police and Crime Commissioner for Devon and Cornwall**

## My VISION

***“Devon, Cornwall and the Isles of Scilly as the safest area of the country, served by the best police force”***

### **Introduction from Tony Hogg, Police and Crime Commissioner for Devon and Cornwall**

I am honoured to be elected as the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly. For the first time, the public has somebody singularly accountable for an efficient and effective police force for Devon and Cornwall. I will hold the Chief Constable to account on your behalf and work closely with him to develop and deliver this Police and Crime Plan.

By working together and everyone playing their part, we can make Devon, Cornwall and the Isles of Scilly the safest area of the country and enable communities to flourish. Together the public and the police can make a real difference by working more closely together to prevent and reduce crime and challenge unacceptable behaviour.

I know the public value the visibility and accessibility of their police officers. The aim of this Police and Crime Plan is to cut both crime and the fear of crime by bringing policing closer to the people. I will do this by halting the further decline in police officer numbers and focus particular attention on my five objectives: reducing crime and bringing offenders to justice, giving victims and witnesses a stronger voice, listening and responding to the public, providing strong leadership at all levels and investing in policing for the future.

We should be proud of the Devon and Cornwall police force. On your behalf, I will obtain the best value from our police. Please support your police and play an active part in your community's safety.

**Tony Hogg**



## **Devon and Cornwall and the Isles of Scilly**

Devon and Cornwall and the Isles of Scilly is home to a population of 1.7 million residents spread across 4,000 square miles of urban, coastal and rural communities bordered by over 700 miles of coastline. An area of this size and particularly the rural isolation of some communities, provide specific challenges for policing.

Devon and Cornwall is one of the safest areas of England and Wales with overall levels of crime amongst the lowest in the country.

The police do not, and cannot work alone. Keeping people safe, reducing crime and catching criminals is an intensive, round the clock activity that relies on the co-ordinated response of a wide range of organisations both public and voluntary working together. The police are supported by a network of public organisations, partnerships and voluntary groups to keep people safe and protect the vulnerable.

This Police and Crime Plan will be achieved by working in partnership. As Police and Crime Commissioner, I will be expecting the police, Community Safety Partnerships, the Criminal Justice sector, Health and Wellbeing Boards, Local Enterprise Partnerships, voluntary agencies and charitable organisations to work with and further develop the breadth of provision that already exists. In an area the size of Devon, Cornwall and the Isles of Scilly it is essential to ensure that the wide network of people and agencies working to improve community safety is as joined up and co-ordinated as possible to ensure the best service and value to the public and victims.

In preparing this Police and Crime Plan, I have sought the views of the public and victims of crime; The Plan has been developed with the close co-operation of the police, Community Safety Partnerships and criminal justice agencies. I support the four priorities of the Community Safety Partnerships' Strategic Peninsula Assessment and have built them into this Plan.

### ***Community Safety Partnerships' Peninsula Strategic Assessment priorities:***

*Domestic, family and sexual abuse,  
Alcohol, violence and the night time economy,  
Anti social behaviour and  
Reoffending.*

### **My pledge to respect the operational independence of the police**

My role as Police and Crime Commissioner is to set out the strategic direction and budget and to hold the Chief Constable to account. I will do this by taking into account the requirements of the [Policing Protocol](#) and respect the Operational Independence of the Chief Constable.

### **My Values and principles**

I have publicly sworn a [Declaration](#) of Acceptance of Office in which I declared how I would undertake the role of Police and Crime Commissioner. This is an important and open pledge which demonstrates how I will act on behalf of the public in a way that is impartial and accords with the importance of this office.

My values are those of the well recognised standards of holding public office, these are

#### **Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership**

As Police and Crime Commissioner, I am also accountable to the public for the financial stewardship of a multi-million pound budget, and the propriety of a large and complex organisation of enormous community and social value. I fully acknowledge this responsibility and promise to adopt, wherever possible, sustainable approaches that are socially and economically responsible for the long term benefit of the public and policing.

### **My Commitment to Equality**

I will carry out the duties of Police and Crime Commissioner with a commitment to ensuring equality and respecting diversity. I will aim to eliminate discrimination, and advance equality of opportunity. I intend to positively contribute to the advancement of equality and good community relations and will integrate equality considerations into the day-to-day business of the Office of the Police and Crime Commissioner. I will also hold the Chief Constable to account for the exercise of his duties relating to equality and diversity within the police force. I will publish an Equality, Diversity and Human Rights framework shortly.



## My police and crime objectives

### My Vision:

*Devon, Cornwall and the Isles of Scilly as the safest area of the country, served by the best police force*

### My Mission:

*To cut crime and the fear of crime by bringing policing closer to the public*

### My Objectives:

#### Reducing crime and bringing offenders to justice

- Reducing crime by finding lasting solutions
- Reducing re-offending and bringing offenders to justice
- Focusing on alcohol related violence
- Protecting the most vulnerable with a focus on domestic, family and sexual abuse and better awareness and response to so called hidden crimes
- Working to better understand and respond to crimes motivated by prejudice against someone's beliefs or circumstances, such as hate and mate crime
- Improving road safety through education and enforcement
- Reducing anti social behaviour
- Increasing the safety of the vulnerable , young and victims by protection from those posing the most serious harm
- Supporting early intervention programmes that address drug and alcohol misuse, mental health issues and young offenders

#### Giving victims and witnesses a stronger voice

- Being a champion for victims and witnesses through the criminal justice system
- Supporting the criminal justice system to deliver a simpler, swifter and more transparent service
- Better aligning the help and assistance offered by the police, other agencies and the voluntary and charitable sector
- Giving victims a greater say, particularly in how offenders are dealt with through the criminal justice system and restorative justice
- Keeping victims better informed as a crime is investigated

## Listening and responding to the public

- Promoting equality and respecting diversity by ensuring the police service responds effectively to the needs of all communities
- Addressing rural, coastal and urban community priorities through neighbourhood policing and greater visibility.
- Improving the service received by callers with non-emergency enquiries
- Giving people a greater say in how policing is delivered
- Being more accountable to the public by providing new opportunities to have your say

## Investing in policing for the future

### Investing in people

- Developing the skills and expertise of officers and staff
- Increasing the use of special constables and volunteers

### Investing in technology

- Updating technology to make key policing activities more efficient
- Using technology to improve public contact with the police

### Investing in improving processes and systems

- Continually reviewing the way we work to improve service to the public
- Playing our part in national and international policing
- Working towards a sustainable policing model that continues to meet the needs of local people and better serves rural and coastal communities

## Providing strong leadership at all levels

### Leadership as the Police and Crime Commissioner

- Holding the Chief Constable to account
- Bringing partners together to work more closely
- Making responsible decisions and speaking up for policing
- Being open and accountable about what I do and why

### Leadership in partnerships

- Mitigating the impact of reducing budgets on the community together
- Working together to innovate and reduce demand
- Agreeing and delivering against common priorities

### Leadership in the community

- Encouraging local people to help keep their communities safe by supporting the police
- Working to solve problems within communities and keep everyone safe

*These priorities will be supported by an OPCC Action Plan, available here, and complemented by the Chief Constable's Delivery Plan*

## How I will deliver these objectives

My objectives are supported by an action plan to be delivered by the Office of the Police and Crime Commissioner. The Chief Constable will prepare a Delivery Plan for the Force which must have regard to this Police and Crime Plan.

The OPCC Action Plan will be available shortly but can be broadly summarised by the following actions:

- I will keep this Police and Crime Plan and financial strategy under regular review
- I will hold the Chief Constable to account for the totality of policing
- I will provide funding to Community Safety Partnerships and other organisations to reduce crime and improve safety in line with the priorities and intentions in this Police and Crime Plan
- I will maintain an establishment of at least 3,000 police officers
- I will meet with the public regularly at events and surgeries to hear their views first hand and take action where appropriate.
- I will increase the number of Special Constables to help increase visibility and reduce the fear of crime
- I will provide targeted funding to the voluntary and charitable sectors to work with the community safety agencies to reduce crime through sustainable answers
- I will appoint an advisor to ensure victims' views are heard and taken into account by the police and partners
- I will work with practitioners, the licensed trade, business sector to challenge irresponsible behaviours, in particular alcohol abuse and to raise awareness of the impact it has on crime and health.

## Working with the Chief Constable

I will be working closely with a range of partners to deliver this Police and Crime Plan and secure value for money. However, my working relationship with the Chief Constable is paramount. It is important to be clear about the distinction and legal status of the role of Police and Crime Commissioner and that of the Chief Constable.

The Police and Crime Commissioner is accountable to the public for an efficient and effective police force. The Commissioner must prepare a Police and Crime Plan containing policing objectives, hold the Chief Constable to account for the delivery of the Plan, agree the police element of the council tax, provide funds to the police and partners and commission services in a way that provides value for money.

The role of the Chief Constable is to lead the Force in delivering operational policing in fulfilment of the Police and Crime Plan within the constraints of the agreed budget. The Chief Constable has command and control over police officers and staff and exercises the management of police resources and assets under a delegation from the Police and Crime Commissioner to whom he remains accountable.

## How I will measure success and hold the Chief Constable to account

I will hold the Chief Constable to account for the totality of policing. In order to focus on my objectives, I have set a small number of four-year, high-level improvement targets for the Force. These will be incorporated into a wider performance framework which will be finalised shortly. This framework will explain how I will hold open meetings at which the public will be able to question me and the Chief Constable about the performance of the police.

Reducing crime and bringing offenders to justice	Measure
<p><b>To reduce crime</b> I am determined to reduce total crime over the next four years. The Peninsula Strategic Assessment (PSA) recognises that some crimes of domestic, family and sexual abuse and hate crime, by their very nature, go unreported. I want to encourage victims to come forward so that the police can take action. Therefore, I expect the number of some offences reported to the police will rise. I do not expect that any such increases will be greater than the overall reduction in total crime.</p>	<p>% reduction in total crime. as measured by police recorded crime</p>
<p><b>To reduce violence against the person</b> (<i>this includes but is not restricted to grievous bodily harm, death by dangerous driving, harassment, child cruelty &amp; harm to a vulnerable person</i>) Current measures of alcohol related violence are inadequate in helping agencies to fully understand the nature of this problem and reduce crime. The police and partners will continue to tackle violence whilst developing a more meaningful means of illustrating the impact that is being made by police and other agencies.</p>	<p>For 2013/14 - a reduction in violence against the person. A new alcohol-related violence measure will be developed for implementation in 2014/15</p>
Giving victims and witnesses a stronger voice	Measure
<p><b>To increase the percentage of crimes which result in a positive outcome</b> A positive outcome is an offence resulting in an Offence Brought to Justice or through Restorative Justice. An offence is described as having been brought to justice where an offender has been cautioned, convicted or had offences taken into consideration by a court. Restorative justice is a victim-led approach where an offender is held to account for their actions, takes responsibility for the harm they have caused and takes steps to make amends</p>	<p>% increase in positive outcomes as measured by the police</p>
<p><b>To increase victims' satisfaction with the police</b> A police survey of victims of burglary, vehicle crime and violent crime of their satisfaction with the service they have received from the police. In time, I intend to develop this measure to include witness satisfaction.</p>	<p>% increase in victim satisfaction as measured by the police</p>

Listening and responding to the public	Measure
<p><b>To increase public confidence in the police</b> Assessed using a survey asking the public <i>'In general how good a job do you think the police in your local area are doing?'</i></p>	<p>% increase in those responding 'good' or 'excellent' as measured by the Crime Survey for England and Wales</p>
<p><b>To increase satisfaction with the police response to a non emergency matter</b> In 2013/14, work will begin to improve the response received by the public to non emergency matters. This will include exploring how the police can work more effectively with its partners to provide a more joined-up and comprehensive service to the public.</p>	<p>Measure in development and to be in place by end of April 2013</p>
Providing strong leadership at all levels	Measure
<p><b>To increase the percentage of the workforce who state they are well led</b></p>	<p>Measure in development and to be in place by end of April 2013</p>
Investing in policing for the future	Measure
<p><b>To begin recruitment in order to maintain an establishment of least 3,000 police officers</b></p>	<p>Maintaining an establishment of at least 3,000 police officers.</p>
<p><b>To begin recruitment in order to maintain an establishment of at least 800 Specials</b></p>	<p>Reaching an establishment of at least 800 Specials by March 2017</p>

## Strategic Policing Requirement

Police and Crime Commissioners are expected to work closely with their Chief Constables to ensure their Forces are able to contribute to the capacity and capability of the national policing requirement. This should be achieved in a way that is as consistent and joined-up across police force areas as possible. As Commissioner, my priority centres on the people of Devon, Cornwall and the Isles of Scilly. The policing service that keeps the public safe is provided and enhanced by a range of local, regional and national agencies. Devon and Cornwall Police play their part in contributing to this national policing capacity, so that the public can be kept safe wherever they are.

## Workforce - halting the decline in police officer numbers

People tell me of how much they value their local police officers. Central Government cuts have placed a strain on police budgets. In an organisation that spends the majority of its budget on people, invariably these cuts have meant reductions in police officer and police staff numbers.

As Police and Crime Commissioner, I am committed to listening to the public and doing all I can to retain the highest number of police officers. The funding model I have developed with the Chief Constable aims to halt the decline in police numbers by sustaining police officer numbers above 3,000.

Subject to any further Government cuts, I am able to provide the Chief Constable with sufficient funds to recruit approximately 534 police officers between 2014 and 2017. This will effectively offset the number of officers we expect will retire from the Force during that same period.

Actual FTE	March 13	March 14	March 15	March 16	March 17
<b>Police Officers</b>	3,090	3,090	3,090	3,090	3,070
<b>PCSOs</b>	414	384	360	360	360
<b>Police Staff</b>	1,810	1,764	1,739	1,714	1,594
<b>Specials</b>	600	650	700	750	800

### **An increase in the number of Specials**

Special Constables play an important role in forging strong links between the police and local people. Specials are volunteers who work alongside Police Officers and Police Community Support Officers to deal with local policing issues and help prevent crime and the fear of crime. Specials enjoy the same powers as a full time police officer including the power of arrest. PCSOs are full time staff who have the power to detain people for a short time They provide an invaluable role in providing public reassurance by being highly visible and engaging with the public.

I believe that there is great potential to increase the number of Specials in the Force and benefit from the skills and backgrounds they have to benefit the police in serving the public.

### **The resources and assets I will make available to the Chief Constable**

As Police and Crime Commissioner, I receive all Government police grant funding directly. Following consultation with the Chief Constable and the public, I decide upon the level of council tax revenue I intend to raise in order to meet the necessary budget requirement for maintaining an efficient and effective police force.

I will provide the Chief Constable with sufficient resource to recruit 200 additional Special Constables by April 2017. In order to fund these increases, I will draw on money set aside in a contingency fund to help cope with fluctuations in Government funding decisions. This financial plan will also require an increase in the council tax precept of 2% in 2013/14. This is equivalent to 6 pence a week on council tax bills for a band D property. In order to increase the number of uniformed frontline officers, it will be necessary to continue with the planned reduction of police staff numbers through workforce reviews and the disestablishment of vacant posts.

My Medium Term Financial Strategy sets out my spending plans, budget forecasts and intentions for balances and reserves.

The budget requirement for the four years 2013/14 to 2016/17 is illustrated below

<b>Summary</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>
<b>Funding</b>	£288.6m	£284.1m	£282.8m	£282.2m
<b>Net Budget before contribution from reserves</b>	£284.3m	£283.5m	£286.2m	£289.6m
<b>Contribution to/(from) reserves</b>	£4.3m	£0.6m	(£3.4m)	(£7.4m)

My Medium Term Financial Plan can be viewed here.

## Efficiencies

The Force has a history of delivering value for money savings. In the next four years of this plan, further reductions of £35.9m are anticipated. I am committed to work with the Force to deliver savings on all areas of the budget. A joint Value for Money strategy has been developed to support this. The planned savings divide into those which are based upon staff and officer numbers and non pay budgets. This is illustrated below.

Budget Division	2013/14	2014/15	2015/16	2016/17	Total
	£m	£m	£m	£m	£m
<b>Projected savings</b>	(10.3)	(7.7)	(8.0)	(9.9)	(35.9)
<b>Reinvestment</b>	2.8	2.0	3.3	3.8	11.9
<b>Total</b>	(7.5)	(5.7)	(4.7)	(6.1)	(24)

## Collaboration

I am committed to working more closely with other Police and Crime Commissioners and police forces, particularly in the south west, in order to make the police Force more efficient and effective and to better meet the needs of our communities. There are already a range of services that are delivered in partnership with other Forces. One example is the joint taskforce to tackle serious and organised crime across the south west.

As well as a more effective way of working, these shared services and collaboration arrangements make financial sense. For example, significant savings have already been made by introducing a central purchasing facility for police forces in the south west of England.

There is more to be done, in particular to make it easier for forces to be able to work with each other more cohesively in order to reduce the threats to the public from crime and reduce the impact of financial uncertainty.

I am open to other collaborative ventures where it can be proven that they best serve the interests of the people of Devon and Cornwall. I will be working with the Chief Constable to explore the options available.



## **Community Safety and Commissioning**

From 2013, in addition to core police funding including those funds currently allocated to 'police partnership funding, the Police and Crime Commissioner will receive all community safety funding albeit at a lower level than was previously provided. In previous years, this money was directed from central Government to Community Safety Partnerships.

I recognise the good work of the range of partnerships and stakeholders working to keep people safe and acknowledge the importance of maintaining a sustainable funding base.

In order to minimise disruption to services, for 2013/14 I will endeavour to fund the existing 2012/13 recipients of this money. To mitigate future reductions from Government, I intend to treat this as a single Community Safety Grant and police partnership fund.

During 2013, I will expect the recipients of this community safety and police partnership funding to be able to demonstrate how they contribute to community safety and crime reduction and support this Police and Crime Plan. I will work closely with partners to review current arrangements for the use of resources and consult with stakeholders in developing future proposals in order to ensure a smooth transition to any new arrangements in April 2014.

## **Buildings and assets**

My Police and Crime Plan has an objective of investing in policing for the future. This includes making the best use of our buildings, technology and other assets to ensure that our police officers and staff are able to work as effectively as possible.

Making sensible investment decisions now will have long term benefits for the future and as Police and Crime Commissioner I will make the best use of existing assets. I will be seeking assurance from the Chief Constable that the Force estate is put to the best use by working in partnership and with due regard to the plans of local authorities and other partners. Following this, I will publish a refreshed Estate Strategy.

## Contact me

**Email me** [OPCC@devonandcornwall.pnn.police.uk](mailto:OPCC@devonandcornwall.pnn.police.uk)

**View my website** [www.devonandcornwall-pcc.gov.uk](http://www.devonandcornwall-pcc.gov.uk)

**Facebook** [www.facebook.com/devonandcornwallpcc](http://www.facebook.com/devonandcornwallpcc)

**YouTube channel**

[www.youtube.com/user/DevonandCornwallPCC](http://www.youtube.com/user/DevonandCornwallPCC)

**Twitter** @DC\_PCC

**Call me** (01392) 225555

## Write to me

Police and Crime Commissioner for Devon and Cornwall

Endeavour House

Woodwater Park

Pynes Hill

Exeter

EX2 5WH

**DEVON AND CORNWALL POLICE AND CRIME PANEL**

**Subject** Police and Crime Commissioner's Report on Activities and Decisions

**Date:** 9 April 2013

**Author:** Sarah Hopkins, Community Safety and Partnerships Manager

**Organisation:** Host Authority, Plymouth City Council

**Contact:** Tel: 01752 305542  
Email: sarah.hopkins@plymouth.gov.uk

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**Executive Summary:**

The Police and Crime Panel exists to scrutinise the Police and Crime Commissioner (PCC), and also to support the PCC in the effective exercise of his functions, acting as a critical friend.

In promoting openness and transparency the PCC has provided the Panel with a report (Appendix I) which he proposes to provide to the Panel on a regular basis, regarding the activities and decisions he has made to date. The report also details any forthcoming planned events.

The Panel is invited to consider the usefulness and frequency of such a report.

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**Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Police and Crime Panel considers whether:

- it is helpful for the Panel to receive a regular report from the PCC in this format
- it wishes to make any suggestions for the future content and frequency of these reports.

The Panel has a duty to scrutinise decisions made or any actions taken by the PCC in connection with the exercise of the PCC functions and this report provides another method for the Panel to do so.

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**Alternative options considered, and reasons for recommended action:**

The Panel is considering a separate report today on options for fulfilling their scrutiny function and proposals for scrutiny items.

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**Background Papers:** None

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## **1.0 Introduction**

1.1 Legislation requires that the Police and Crime Panel must:

- Review or scrutinise decisions made, or other action taken, by the relevant Police and Crime Commissioner in connection with the discharge of the commissioner's functions; and
- Make report or recommendations to the relevant PCC with respect to the discharge of the commissioner's functions.

1.2 The Police and Crime Panel is a scrutiny body. It exists to scrutinise the police and crime commissioner, and also to support the PCC in the effective exercise of his function, acting as a critical friend.

## **2.0 Background:**

2.1 The PCC has affirmed that he is committed to providing strong leadership in preventing and reducing crime and re-offending and addressing community safety needs across the force area.

2.2 To ensure openness and transparency the PCC has provided the Panel with a report which he proposes to provide to the Police and Crime Panel on a regular basis, regarding activities of, and decisions made by, the PCC to date.

2.3 The report also provides detail of any forthcoming planned events and engagements in the coming weeks.

2.4 The Panel has a duty to scrutinise decisions made or any actions taken by the PCC in connection with the exercise of the PCC functions and this report provides another method for the Panel to do so.

2.5 The Panel also is asked to consider the content and frequency of the report. The PCC has expressed a wish that this is supplied for each Panel meeting.

2.6 It is a comprehensive report and Panel members will need to consider whether the detail provided gives enough information to enable them to have a complete overview of the PCC's functions and activities to date, or whether the report includes too much detail and a more concise report would be suitable.



## Police and Crime Commissioner for Devon and Cornwall

### REPORT TO THE POLICE AND CRIME PANEL

#### POLICE AND CRIME COMMISSIONER'S UPDATE REPORT - April 2013

##### 1. Introduction

This report presents to the Police and Crime Panel a summary of the activity conducted by the Police and Crime Commissioner in the weeks since the last Police and Crime Panel meeting on 8 February 2013. The report also looks forward to forthcoming planned events and engagements in coming weeks.

##### 2. Decisions taken

Date	Decision taken	Details	Link to decision register on PCC website
14 Feb 2013	Precept and budget	<ul style="list-style-type: none"> <li>▪ 2% police precept increase on Council Tax (<i>followed Police and Crime Panel endorsement on 8 Feb 2013</i>)</li> <li>▪ The council tax requirement</li> <li>▪ Four year spending strategy</li> <li>▪ Capital programme and financing</li> </ul>	<a href="#">9-14/2/2013</a>
25 Feb 2013	Treasury Management Strategy	<ul style="list-style-type: none"> <li>▪ Provides for an Investment and borrowing strategy</li> <li>▪ Approves use of PCC bankers and investment fund managers</li> </ul>	To be published shortly
26 Feb 2013	Commissioning budget	<ul style="list-style-type: none"> <li>▪ To apply equal % reduction in partnership funding in allocations to recipients of Police Partnership funding and those schemes previously funded by the Home Office and Ministry of Justice</li> </ul>	<a href="#">10-13/2/5</a>
26 Feb 2013	Appointment of Chief Constable	<ul style="list-style-type: none"> <li>▪ To accept Police and Crime Panel's recommendation to appoint Shaun Sawyer as Chief Constable</li> <li>▪ To appoint Shaun Sawyer as Chief Constable</li> </ul>	<a href="#">11-14/2/13</a>

In addition to those decisions listed above, three people have been selected by way of an open recruitment process to form an Appointments and Remuneration Committee. The Committee will provide advice to the Commissioner and the Chief Constable relating to the pay and conditions for OPCC staff and police staff members of the Chief Officer Group of the Force.

The Committee member's names will be published once the necessary vetting processes are complete.

### **3. Community engagement and meetings**

The Commissioner has undertaken the following engagements in recent weeks. In addition to these listed below, the Commissioner meets with the Chief Constable at least once a week. The Commissioner also holds formal weekly meetings with the Chief Executive and Treasurer, and Joint Management Board meetings with the Chief Officer Group once a month.

#### **February appointments and meetings**

- Visit Ilfracombe community activity
- meeting with Devon Senior Voice,
- meeting with Andrea Torode from Her Majesty's Courts and Tribunal Service
- Restormel district Neighbourhood Watch AGM
- visit to Torquay, Paignton and Brixham Police bases
- meeting with Hannah Hart of the Local Criminal Justice Board
- Rural Crime Conference, Wadebridge
- visit to Newquay SAFE
- meeting with Rachel Cerfontyne of Independent Police Complaints Commission
- meeting with Frances Done, Chair of Youth Justice Board for England and Wales
- meeting with Damian Green MP, Policing Minister
- meeting with Tim Jones, South West Local Enterprise Partnership
- meeting with Plymouth Race Equality Council
- meeting Plymouth People First (a self Advocacy organisation for adults with a learning disability)
- observing Community Speedwatch in action in East Devon
- Association of Police & Crime Commissioners Information Event on Criminal Justice, London
- accompanied police officers on patrol in Helston and Falmouth
- visits to operational police units, Middlemoor, Exeter

#### **March appointments and meetings**

- attendance at Community Safety Partnership chairs' meeting, Exeter
- meeting with George Eustace MP, Truro
- meeting with Georgie Constable of Victim Support
- visits to operational police units, Middlemoor, Exeter
- visits to operational police units, Middlemoor, Exeter
- attendance at UNISON AGM, Exeter
- meeting with Oliver Colville MP, Plymouth
- meeting with Voluntary Sector Forum Cornwall, Truro
- meeting with young people from Volunteer Cornwall to discuss Human Rights, Truro
- meeting with Chief Superintendent Davies, Devon police commander
- meeting with Chris Hurden, PCSO trainee regarding
- meeting with Virginia Pearson, Joint Executive Director of Public Health
- attendance at Devon Armed Forces Roundtable discussion, Exeter
- meeting with Dr Dan Gilling, Plymouth Law School, Plymouth University
- Talk to Rotary Club of Saltash
- meeting with Governor of HM Prison, Exeter
- evening shift with Exeter police officers

The Commissioner's weekly diary of engagements is published on the OPCC website [here](#).

The Commissioner has also made a number of short video clips which are available from the PCC's YouTube channel, available [here](#).

#### **4. Correspondence received**

The OPCC has received 680 items of correspondence since taking office on 22 November 2012. Figure correct at time of preparing this report. This is more than that received by the Police Authority in the previous twelve months.

The most common topics of correspondence received were

- Neighbourhood Watch Schemes – not having sufficient communication from the Police and Community Messaging System is not being used
- Volunteers – poor access to police volunteer programme / process is long winded and not user friendly
- Commissioning – requests for funding
- Roads policing – defective headlights and an increase in number of deaths / loss of roads policing unit
- Wildlife crime – calling for action on investigation and prosecutions
- Hunting Act – calling for increased prosecutions
- Alcohol misuse – concerns and offers of collaborative working

The PCC has 1075 followers on Twitter (up 312 from January) and 118 followers on Facebook (up 12).

#### **5. Media activity**

February

- Press conference regarding appointment of Chief Constable, Police and Crime Plan and Council tax precept decision
- Radio interview PALM FM, Torquay
- Press and radio briefings to mark 100 days in office

March

- interviewed by Express & Echo, Exeter
- interview recorded with Radio Plymouth and live interview with BBC Radio Devon
- interview with Plymouth Herald
- Articles in *Cornwall Life* and *Devon Life* magazines
- Radio interviews conducted for Heart FM, Radio Exe, Pirate FM and BBC Radio Cornwall

#### **6. Responses to national reports**

The Police and Crime Commissioner has issued a response to Her Majesty's Inspectorate of Constabulary's national report into police integrity, entitled '*Revisiting Police Relationships*'. The HMIC report and the PCC's response are available from the OPCC website [here](#).

The Police and Crime Commissioner has also issued a response to proposals by the Ministry of Justice for reforming the delivery of offender services, entitled

'Transforming Rehabilitation'. The response is available from the OPCC website [here](#).

## **7. Complaints handling**

The OPCC has accepted a delegation from the Police and Crime Panel to conduct initial handling of non-criminal complaints. This is subject to a separate report to the Police and Crime Panel.

The majority of complaint- related correspondence received by the Commissioner's office has been outside the remit of the OPCC and has been passed to the Force's Professional Standards Department. These are predominantly individual cases with specific issues and therefore themes are not evident.

However some broad topics have arisen on more than one occasion:

- 101 – poor follow up after call taken & delays following initial call answer
- Incivility of police officers/staff/PCSOs
- Crime reports not being prosecuted (either by the Police or Crown Prosecution Service)
- Lack of action by police – to low level/neighbourhood issues (such as anti social behaviour)

## **FORTHCOMING EVENTS AND ACTIVITY**

### **8. Key meetings and engagements currently scheduled for April**

- East and Mid Devon Community Safety Partnership Annual Conference
- Torbay Neighbourhood Watch
- interview with Torquay Herald Express
- meeting with Dru Sharpling, Her Majesty's Inspectorate of Constabulary
- meeting with SEEDS (Survivors Empowering and Educating Domestic Abuse Services), Exeter
- meeting with regional PCCs and Chief Constables, Exeter
- 'Question Time' event, Chudleigh
- Association of Police & Crime Commissioners Information Event on Community Safety, London
- meeting with Shekinah Mission, Plymouth
- meeting with League Against Cruel Sports, Exeter
- Talk with Ivybridge Town Council
- attend CATS (Community Action Through Sport) awards, Bude

In addition to the events diarised above, the Commissioner is organising a full programme of engagement events in the summer months. This will be published as soon as possible.

### **9. Planned OPCC events**

In the coming weeks, the Commissioner will be taking a 'walk-through' the Criminal Justice System to better understand the nature of issues affecting the co-ordination and closer working with statutory agencies. This will involve visits to the Criminal Justice Unit / Witness Care Unit in Exeter, Crown Prosecution Service, Magistrates Court, Community Payback schemes in Cornwall, Truro Crown Court, Probation service and Youth Offending Service in Torbay.



Other key events planned for coming weeks

April – Voluntary services consultation event, Wadebridge

May – *Meet the Commissioner*, Devon County Show, Exeter

June – Preventing Alcohol abuse, partnership event

**10. Forthcoming publications**

Community Engagement Strategy

**Contact for further information**

Sue Howl

Chief Executive

Office of the Police and Crime Commissioner for Devon and Cornwall

[chiefexecutivesupport@devonandcornwall.pnn.police.uk](mailto:chiefexecutivesupport@devonandcornwall.pnn.police.uk)

Report prepared 25 March 2013

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**DEVON AND CORNWALL POLICE AND CRIME PANEL**

**Subject:** Proposal for handling non-criminal complaints about the Police and Crime Commissioner

**Date:** 9 April 2013

**Author:** Sarah Hopkins, Community Safety Partnership Manager

**Organisation:** Plymouth City Council (Host authority)

**Contact:** Tel: 01752 305408 Email: sarah.hopkins@plymouth.gov.uk

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**Executive Summary:**

The purpose of this paper is to:

- a) summarise the statutory functions of the Police and Crime Panel (the PCP)
- b) make proposals for dealing with non-criminal complaints against the Police and Crime Commissioner (the PCC)
- c) identify the options available to the Panel; and
- d) recommend the adoption of a procedure for dealing with such complaints

The Office of the Police and Crime Commissioner (OPCC) has prepared a report (attached) setting out their proposals.

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**Recommendations & Reasons for recommended action:**

It is recommended that the Police and Crime Panel:

1. consider the adoption of option D for handling non-criminal complaints about the Police and Crime Commissioner, as outlined in the OPCC's report.
2. reviews the arrangements after they have been in operation for a period of one year

Should the Panel prefer Option D, it is recommended that:

- a) a summary document about complaints received and resolved is presented to each Panel meeting by the OPCC
- b) twice a year, the Panel receives a detailed report about the themes, trends, significant issues and relevant data about complaints received and resolved; and
- c) a robust 'dip-sampling' process is agreed and delegated to the chair of the Panel in consultation with the host authority's Monitoring Officer.

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**Alternative options considered, and reasons for recommended action:**

Legislation requires that a formal arrangement concerning the handling of non-criminal complaints about the PCC is agreed.

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**Background Papers:**

None

## **I. Introduction**

- 1.1 Police and Crime Panels have a statutory responsibility to deal with non-criminal complaints against the PCC (and his deputy where one is appointed). PCPs may delegate some or all of those functions.
- 1.2 Complaints about the PCC will inevitably include a wide range of issues some of which should be redirected to other individuals or organisations.
- 1.3 Some complaints may be disagreements about a particular policy of the PCC and, therefore, not categorised as a complaint. These would need to be treated with sensitivity when notifying the complainant and referring the matter to the PCC for their consideration/information.
- 1.4 Other complaints may need to be referred to the:
  - PCC if the complaint is about the Chief Constable
  - Devon and Cornwall Police Professional Standards Department if the complaint is about the police
  - Independent Police Complaints Commission (IPCC) in the case of serious/criminal complaints
- 1.5 Although awareness about all complaints relating to the PCC and policing matters may provide useful information to assist with the PCP's wider scrutiny work, the scope of the PCP's activity in dealing with non-criminal complaints about the PCC is much more narrowly drawn. Such complaints may include, for example, rudeness or making inappropriate references to people, places or issues.
- 1.6 If the PCP decides to delegate any or all of its functions, it should ensure that it has appropriate measures in place to check that complaints are being dealt with in a way it considers satisfactory.

## **2. Options for handling non-criminal complaints about the PCC**

- 2.1 In the attached report from the OPCC, four options for the handling of complaints are outlined.
- 2.2 The advantages and disadvantages of each are summarised as follows:

### **3. Option A: The Panel/host authority retains all functions (receive, record, categorise and informally resolve complaints)**

- 3.1 Advantages:
  - Allows access to all information in the incoming 'complaint postbag', which may be useful in providing the PCP with a better overview of issues and could help inform the PCP's wider scrutiny work.
  - Makes it easier for the PCP to properly supervise the handling of complaints.
  - Generally avoids issues related to the potential conflict of interest if complaints were dealt with by the Chief Executive of the PCC.
  - Provides reassurance to the public that there is no bias in complaint handling or skewed presentation of data about complaints received about the PCC.

## 3.2 Disadvantages:

- The PCP must be able to comply with its obligations to record and effectively refer matters to the IPCC (careful thought might have to be given to whether this can be achieved without undue delay caused by the need to arrange extra formal panel meetings). The IPCC suggests that it would be helpful for arrangements to be in place such that serious incidents can be recorded and referred outside normal office hours.
- The number and complexity of incoming complaints is unknown at this stage. As a result it is difficult to gauge how demanding this would be on PCP and host authority resources in terms of the staff and associated training which might be necessary
- No extra money is available for the host authority if the PCP agrees this option. If a significant number of complaints were to be received, the host authority would have to consider dividing the cost of operating the complaints handling and resolution process amongst the 13 local authorities which comprise the PCP.
- Distraction from the main business and purpose of the PCP because of the time involved in actually dealing with complaints.

## 4. **Option B: The Chief Executive of the OPCC receives, records and categorises complaints.**

### 4.1 Advantages:

- The PCC is bound to be an obvious point of contact for complaints from the public about a wide variety of policing matters – even if alternative contact points are advertised. The Chief Executive of the PCC might therefore be the natural focus for collation and sorting of these complaints.
- The Chief Executive of the PCC may be able to draw on relevant legal expertise more easily than the host authority.
- It could be argued that the costs of carrying out the work should fall on the PCC – rather than the host authority. The OPCC is willing to absorb such costs and already has a system in place to handle complaints.
- It might also be argued that the PCC Chief Executive could be more independent than the PCP from a political perspective.
- Discussion on the complaint handling statistics provided by the PCC could be a useful agenda item to promote liaison and discussion when the PCC attends PCP meetings.

### 4.2 Disadvantages:

- A robust additional procedure would need to be put in place to ensure that complaints about the PCC or their deputy were being properly handled.
- Even with robust procedures in place, it might be hard to convince the public that there is an independent process in place for dealing with complaints about the PCC.
- No extra money is available for the host authority if the PCP agrees this option. If a significant number of complaints were to be received, the host authority would

have to consider dividing the cost of operating the complaints handling procedure amongst the 13 local authorities which comprise the PCP.

### **5 Option C: The Panel retains responsibility for the informal resolution of complaints.**

#### 5.1 Advantages:

- This arrangement would help the PCP to concentrate on its main role of scrutinising and reviewing the decisions made by the PCC.
- The Chief Executive of the PCC might have more resources available in terms of dedicated staff to investigate such matters.
- Complaints about the PCC might arrive in batches which would require considerable input to investigate and resolve. It may be easier for the Chief Executive of the PCC and her staff to respond and re-direct staff to investigate cases where there are unpredictable fluctuations in workload.
- This arrangement would support arguments that the costs of dealing with particularly time consuming cases should not fall to the host authority, but instead should rest with the OPCC particularly where the actions of the PCC may have, in effect, generated the complaints.
- Discussion on the complaint resolutions carried out by the PCC could be a useful agenda item to promote liaison and discussion when the PCC attends Panel meetings.

#### 5.2 Disadvantages:

- A robust additional procedure would need to be put in place for the PCP to be satisfied that informal resolution of complaints was being secured in a satisfactory manner and that, where necessary, matters would be referred back to the PCP.
- Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC might be difficult.
- No extra money is available for the host authority if the PCP agrees this option. If a significant number of complaints were to be received, the host authority would have to consider dividing the cost of operating the informal resolution process amongst the 13 local authorities which comprise the PCP.

### **6 Option D: The Chief Executive of the OPCC receives, records and categorises complaints and is responsible for the informal resolution of complaints.**

#### 6.1 Advantages:

- This arrangement would enable the PCP to fully concentrate on its main role of scrutinising and reviewing the decisions made by the PCC.
- The Chief Executive of the PCC may be able to draw on relevant legal expertise more easily than the host authority.
- It could be argued that the costs of carrying out the work should fall on the PCC – rather than the host authority. The OPCC is willing to absorb such costs and already has a system in place to handle complaints.
- If there is a good PCC/panel route for communication – the complaint statistics provided by the PCC could be a useful focus and catalyst for discussions when the PCC attends panel meetings.

- No additional funding would be required from the 13 local authorities that comprise the Panel.

### 6.2 Disadvantages:

- Robust additional procedures would be needed for the PCP to be satisfied that complaint handling and informal resolution of complaints were being dealt with in a satisfactory manner and that, where necessary, matters would be referred to the IPCC rather than being dealt with informally
- Providing reassurance to the public that there is an independent process in place for dealing with complaints about the PCC would be more difficult.

## 7 Preferred option

7.1 The likely number of complaints will be one of the factors which will influence the balance of advantages and disadvantages outlined above. The level of complaints is, at this stage, impossible to estimate as it will depend upon a number of unforeseen variables including:

- the PCC (and his deputy, if appointed) and how controversial their plans are
- local media coverage
- controversial issues locally
- how well the complaints arrangements are advertised

7.2 Currently, the OPCC is handling the receipt, recoding and categorisation of complaints. To-date, no non-criminal complaints have been received by the OPCC. This is in line with the majority of Panels across the country.

7.3 The host authority's officers and the chair of the Panel have carefully considered the advantages and disadvantages of each option and, on balance, suggest that the Panel considers the adoption of option D.

7.4 In order to ensure that robust procedures are in place to ensure that complaint handling and resolution is dealt with satisfactorily, it is suggested that 'dip sampling' includes checking that:

- a) the complaints procedure is well publicised and easily understood
- b) robust procedures for the receipt and recording of complaints are in place
- c) complaints are 'sifted' and recorded in a fair and transparent way and are not, for example, lost in the system
- d) complaints are responded to in a timely fashion
- e) complaints are dealt with in an open minded and impartial way
- f) responses are proportionate: one size does not fit all

7.5 Whichever option is agreed by the Panel, it is suggested that the PCP reviews the process for handling and resolving complaints after the agreed process has been in place for one year.

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**The Office of the Police and Crime Commissioner for Devon and Cornwall and the Isles of Scilly**

**Police and Crime Panel Meeting**

**09 April 2013**

**Report of the Police and Crime Commissioner**

Open for the purposes of FOI

**Proposed arrangements for complaints handling regarding complaints against the Police & Crime Commissioner**

**Recommendation:**

That the Police & Crime Panel delegate complaints handling, informal resolution and related information provision (Option D) to the Chief Executive of the Office of the Police & Crime Commissioner

That the Police & Crime Panel confirms its preferred method of monitoring the complaints handling process in the event that a delegation is made.

This report has been drafted to assist the Police and Crime Panel (PCP) in reaching a decision as to how members wish to discharge the PCP's statutory duty to handle complaints made against the Police & Crime Commissioner for Devon and Cornwall (PCC).

Background

1. The role of the Police and Crime Commissioner is governed by the Police Reform and Social Responsibility Act 2011 (PRORA 2011) and associated secondary legislation including the Policing Protocol Order 2011 (PPO 2011) and The Elected Local Policing Bodies (Complaints & Misconduct) Regulations 2012 (*the regulations*).
2. The PPO 2011 provides for the PCP to have responsibility for handling complaints about the PCC and if the PCC were to appoint one a deputy PCC (DPCC). The reference to "complaints" within this brief is limited to what are known as "qualifying complaints" within a statutory process. These are complaints about the **conduct** of the PCC, or deputy (ie not his/her lawful policies or strategies).
3. Serious complaints are qualifying complaints which constitute or involve, or appear to constitute or involve, the commission of a criminal offence. These complaints must be referred to the Independent Police Complaints Commission (IPCC).



4. *The regulations* impose a duty on the PCP to ensure that it is kept informed in relation to any matters relating the PCC which fall within the regulations (ie the handling of complaints and misconduct allegations).
5. If a member of the public wishes to appeal against the outcome of a complaint which PCP has a responsibility to handle he/she is able to do so to the Local Government Ombudsman.
6. The PCP is required to make a decision as to how it prefers complaints against the PCC to be handled in the long term. The present arrangement, made on an interim measure, provides for the PCP to refer such complaints to the Chief Executive (CE) of the Office of Police & Crime Commissioner (OPCC).

#### Actions for the PCP

7. In reaching a decision the PCP must choose to delegate all, some, or none of its functions within the complaints process, or delegate them only in particular circumstances. The PCP's primary functions with regards to complaints are:
  - Initial handling of complaints and conduct matters
  - Resolution of non-criminal complaints
  - Provision and recording of information
8. The PCP is required to take responsibility for informal resolution but under *the regulations* it can appoint a sub-committee, single member of the PCP or another person who is not a member of the PCP to secure informal resolution.
9. Where complaints have been received one of three outcomes should be achieved:
  - i. Where the complaint falls into the definition of a "serious complaint" it must be referred to the IPCC. A serious complaint is one which alleges the PCC has committed a criminal offence.
  - ii. Where the PCP considers the complaint requires action but is not so serious as to require referral to the IPCC – an process of informal resolution should be pursued
  - iii. Where the PCP considers neither of the above apply and the complaint falls into categories under S15 (3) of *the regulations* the PCP can handle the complaint in whichever manner they choose including taking no action. Matters falling under S15 (3) include, for example, complaint which are anonymous, vexatious, oppressive etc
10. The Local Government Association (LGA) has issued guidance to PCPs in a document entitled "Handling complaints about the Police & Crime Commissioner and their Deputy". The document proposes that four options are considered by PCPs in reaching a decision as to how complaints should be handled – to include delegating all, some or none of its functions. These are set out below.



### Options for delegation

11. **OPTION A) PCP/host authority retains all functions and does not delegate any of its duties to handle initial complaints, provide resolution process for non-criminal complaints and provide information and recording process.**
12. Where this is the preferred option – the PCP should satisfy itself that it has the necessary resources in terms of staff, funding and training to be able to record and deal with complaints and conduct matters and referrals to the IPCC as required by *the regulations*. Variations of Option A include:
  - Delegating initial complaint handling and/or informal resolution delegation to a sub-committee or to a particular person on the panel.
  - Delegating initial complaint handling and/or informal resolution to the monitoring officer of the host authority (Plymouth City Council).
13. **OPTION B) A “triage” role for the Chief Executive of the OPCC (ie delegation of receipt, initial handling and recording functions of the PCP)**
14. Regulation 7 enable PCPs to delegate initial receipt and handling of complaints and the recording function to the chief executive in her role as the monitoring officer for the OPCC. It is also anticipated that some initial investigation work would be required to enable a decision to be reached as to the appropriate body to deal with the complaint.
15. (By way of information - the PCP should be aware that although it has the power to delegate OPCCs do not have the legal obligation to accept the delegation. The Chief Executive of the OPCC for Devon and Cornwall has indicated she is willing to accept the delegation if preferred).
16. **OPTION C) Make arrangements for providing informal resolution**
17. The PCP may choose to retain the “triage” role but choose to delegate undertaking informal resolution, rather than providing it collectively.
18. Under the regulations the PCP may choose to appoint a sub-committee from the PCP, an individual from the PCP or another individual who is not a member of the PCP to conduct informal resolution. Non PCP members can include the Chief Executive of the OPCC or other organisations for example a private mediation company.



**19. D) Delegation of triage and informal resolution activity to Chief Executive of the OPCC**

20. The PCP may choose to delegate both options B and C to the Chief Executive of the OPCC to consider, distribute and handle complaints, provide informal resolution and ensure recording functions for the PCP are achieved.

This has the benefit of conserving the PCP's time, budget and host authority office resources – enabling the PCP to concentrate on its primary function of scrutinising and reviewing the PCC's decisions.

**21. Under all the options the PCP will retain at all times its overall responsibility for handling complaints made against the Police & Crime Commissioner. This is not negated by a decision to delegate the complaints processes to any other person or organisation.**

22. At the time of writing this report no complaints, which would fall to the statutory process, have been received against the PCC by the OPCC.

**Proposed process to retain oversight of complaints handling**

23. Where the PCP decides to delegate one or more of its functions it may wish to retain oversight by:

- A simple summary document – see example at Annex A being made available to each PCP meeting
- Receiving a twice yearly report as to themes, trends, significant issues and relevant data with regards to incoming and/or recorded complaints.
- Putting a dip-sampling system in place. This could include tracking a selected number of cases if required.

**Sue Howl  
Chief Executive  
Office of Police and Crime Commissioner  
March 2013**



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**DEVON AND CORNWALL POLICE AND CRIME PANEL**

**Subject:** Scrutiny Work Programme  
**Date:** 9 April 2013  
**Author:** Sarah Hopkins, Community Safety and Partnerships Manager  
**Host authority:** Host Authority, Plymouth City Council  
**Contact details:** Tel: (01752) 305542  
e-mail: sarah.hopkins@plymouth.gov.uk

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**Executive Summary:**

The Police and Crime Panel (PCP), established by the Police Reform and Social Responsibility Act 2011, is responsible for scrutinising and supporting the actions and decisions of the Police and Crime Commissioner (PCC).

It is recommended that the PCP develops a scrutiny work programme and this report makes some suggestions for the PCP to consider.

Without prior consultation and forward planning, there is a risk that the issues the Panel may wish to scrutinise may be duplicated across the peninsula by scrutiny committees and the Community Safety Partnerships (CSPs) within the 13 local authorities in the Devon and Cornwall Police area. To avoid duplication, CSPs, scrutiny committees and the PCP could work together to identify issues of mutual interest and concern and agree the best forum to investigate those issues. Under certain circumstances, it may be advantageous to consider joint PCP/ scrutiny committee investigations. Joint working would mean a better use of resources and an ability to draw on evidence collected by scrutiny committees with responsibility for crime and community safety and vice versa.

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**Recommendations and Reasons for recommended action**

Members are asked to consider and prioritise issues in order to develop a work programme.

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**Alternative options considered, and reasons for recommended action**

LGA guidance<sup>1</sup> advises that the Panel could limit itself to reactively carrying out just the statutory/special functions and does not have to develop a proactive scrutiny programme, but does not recommend this. Also it is recognised this creates additional work for the Panel and recognises there are limited resources, but the Host Authority will be mindful to continue to keep meetings throughout the year to a minimum. However agreeing to a proactive scrutiny work programme will ensure there is a synergy between the Panel and scrutiny arrangements in all 13 Local Authorities, and enable the Panel to more fully and robustly carry out its scrutiny role.

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**Background Papers:** None

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<sup>1</sup> [http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=8d1c912f-eb6d-47ac-bbfd-6e6e6ec7cac6&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=8d1c912f-eb6d-47ac-bbfd-6e6e6ec7cac6&groupId=10171)

## **1. Introduction**

### **1.1 A Police and Crime Panel (PCP) must:**

- Review or scrutinise decisions made, or other action taken, by the police and crime commissioner (PCC) in connection with the discharge of the commissioner's functions; and
- Make reports or recommendations to the PCC with respect to the discharge of the commissioner's functions.

### **1.2 Effective scrutiny of the PCC will provide a strong strategic oversight of the local force area whilst providing openness and transparency not only to the Panel but to partners and members of the public.**

## **2. Scrutiny functions of the Police and Crime Panel**

### **2.1 As set out in the Police Reform and Social Responsibility Act 2011, the PCP has certain statutory functions which are to:**

- Review the police and crime plan
- Review the PCC's annual report
- Review the policing precept
- Carry out confirmation hearings for certain senior appointments
- Carry out confirmation hearings for the chief constable
- Investigate complaints about non-criminal behaviour of the PCC

### **2.2 As well as the statutory functions, and in line with most local authorities' overview and scrutiny committees, the PCP should develop a proactive scrutiny programme which will:**

- ensure that the PCP keeps to strategic issues and links up to the PCC's activities
- provide the PCC with a level of certainty and assurance as he will know which issues the PCP will be likely to investigate, how and when
- allow the PCP to manage its own resources more effectively
- be sensible in the interests of openness and transparency to be able to demonstrate what the PCP is likely to be doing to allow others to engage in that process
- make it easier for the PCP and other scrutiny bodies to work together and minimise duplication.

The Local Government Association (LGA) recommends that the PCC is consulted about the draft work programme, to determine if there are particular areas where he would like assistance from the PCP in developing his policies with the benefit of this being carried out in an independent and constructive critical manner.

### **2.3 The Panel may scrutinise and review decisions made or actions taken by the PCC in the discharge of his duties and make reports or recommendations to the PCC in respect of the discharge of those duties. As well as reviewing documentation, the Panel may require the PCC and/or members of his staff, to attend the Panel to answer questions.**

### **2.4 Once the work programme has been agreed (and it should be recognised that the plan must be flexible in order to be responsive to events) specific plans of action including evidence gathering,**



inviting appropriate witnesses, public consultation, public or private meetings, entire panel or task and finish group and so on can then be developed.

- 2.5 The LGA advises that the Panel should act as a critical friend; a supportive, but independent, voice seeking to investigate the PCC in the interests of recommending – not directing, or seeking to coordinate – changes and improvements.

### **3.0 PROPOSALS FOR SCRUTINY TOPICS**

- 3.1 Possible areas for scrutiny which follow in 4.2 have been compiled from:

- issues highlighted in the peninsula strategic assessment
- concerns raised by PCP members at the Panel meeting on 8 February 2013 when considering the draft Police and Crime Plan
- contact has been made with each local authority to find out about their planned scrutiny work programmes in the field of crime and community safety
- each Panel member has been asked if they have any specific issues they would like the Panel to consider

- 3.2 Having taken account of all the feedback, the potential areas for scrutiny can be grouped into 6 main areas for the Panel to consider. Beneath each question are a sub-set of areas which the Panel may wish to explore resulting from suggestions received as part of the exercise in paragraph 3.1.

#### **TOPIC 1: HOW IS THE PCC IMPROVING COMMUNICATION/CONSULTATION WITH THE PUBLIC?**

- The PCC's "Communications Strategy" – ask for it to come to the Panel?
- How is the PCC engaging with people across the peninsula? What different and innovative methods of communication have been considered?

#### **TOPIC 2: HOW IS THE PCC DELIVERING THE OBJECTIVES IN HIS POLICE AND CRIME PLAN?**

- Police and Crime Plan review of the first 6 months
- How is the Police and Crime Plan helping to deliver the priorities in the Peninsula Strategic Assessment
- Look at the PCC's delivery plan for Police and Crime Plan?
- Performance measurements – what is the progress against the performance framework and how will measurements align to and support the performance of partner agencies?
- What will the impact be on the delivery against all the priorities in the police and crime plan should there be a shift in operational resources towards dealing with other public order demands?
- Does the PCC recognise the impact that Welfare Reform may have on increases in crime - how will this impact on the Plan?
- How will the PCC ensure that the way in which the force works will achieve the strategic objectives in the police and crime plan? How has the PCC supported the Chief Constable in balancing rural/urban/coastal demands/areas of high priority.
- The PCC said he was committed to do more work/put more focus on domestic and sexual violence/ and developing a 'partnership' measure for this – what has he done/what will he be doing?
- The PCC has a plan which has priority areas including domestic abuse, youth crime, drug and alcohol misuse but has made cuts in funding allocated in these areas. How will the delivery of

his plan address these issues with fewer resources?

**TOPIC 3: HOW IS THE PCC MAKING COMMISSIONING DECISIONS AND WHAT ARE HIS FUTURE COMMISSIONING INTENTIONS?**

- What are the PCC's future commissioning intentions and how is he gathering the information to decide on priorities.
- How has he used the 2% increase in the precept to effectively tackle crime and community safety across the force area?
- Local authorities have, in the main, made significant financial contribution to activities to for example, supporting victims of domestic abuse and sexual assault and tackling drugs and alcohol misuse and Youth Offending Services. How will he measure the impact of cuts to services
- The PCC offered to share with the Panel how he would assess the social value/impact of his commissioning decisions and make it a 'pillar of his commissioning approach')
- Will the PCC provide sufficiently early enough indications of his commissioning intent for 2014/15 in order to minimise disruption/enable continuation of valued services or time to de-commission services with sufficient notice.

**TOPIC 4: HOW IS THE PCC IMPROVING CONFIDENCE IN THE POLICE ACROSS THE FORCE AREA?**

- To include the '101' number and what measures have been taken to improve this service?

**TOPIC 5: HOW IS THE PCC STRENGTHENING RELATIONSHIPS AND SHOWING LEADERSHIP IN PARTNERSHIP WORKING?**

- The PCC offered to do some joining up across eg CSPs/Local Criminal Justice Boards/Health & Wellbeing Boards – what has he done? How does he envisage managing attendance at such meetings, across the geographical area as he cannot attend every meeting.
- The relationship between the PCC and the Chief Constable – how is it working?
- Do different authorities scrutinise the PCC, other than the Panel?
- How is his relationship with other partnerships working?

**TOPIC 6: HOW IS THE PCC ADDRESSING ISSUES OF INEQUALITY AMONGST COMMUNITIES OF GEOGRAPHY AND COMMUNITIES OF INTEREST ACROSS A LARGE DIVERSE GEOGRAPHICAL AREA?**

- Ask to see the PCC's Equality and Diversity Framework
- Could the PCC advise how he has become more proactive in addressing crimes of prejudice as well as race/hate crime (eg those with learning disabilities, mate crime)
- How is the PCC promoting equality and respecting diversity by ensuring the police service responds effectively to the needs of all communities?

3.3 Whilst no specific 'local issues' were identified when carrying out the exercise in 3.1, LGA guidance also recommends that Panels should remain flexible to emerging issues as part of their proactive scrutiny programme. Panel Members will need to put any such requests, through the Chair, in accordance with Sections 18 and 23 of 'Panel Arrangements and Rules of Procedure'.

**4.0 EXAMPLES OF SCRUTINY IN THE FORCE AREA**

4.1 As mentioned in 3.1, the Host Authority has canvassed all Local Authorities in the Force Area to determine their current and future scrutiny work programmes for crime and community safety

in order to minimise duplication and perhaps consider shared learning or possible joint scrutiny arrangements in the future. As the time of writing this report, these were the responses:

- 4.2 Torrington - Committee recently had a presentation on anti-social behaviour and also met with the Clerk to Justices for Devon and Cornwall regarding the proposed changes to the operation of Barnstaple Court. No long term plan is in place to scrutinise Community Safety at the moment but may look at the issue of street drinkers in more detail in due course.
- 4.3 Cornwall - review the Cornwall Safer Cornwall Partnership Plan annually. In 2011 the Committee also held an Inquiry Day with regard to Domestic Violence and Sexual Abuse issues and in 2012 it reviewed Hate Crime. Due to a heavy workload the Scrutiny Panel has had limited capacity for any further crime and community safety and there is currently no work programme for this area of work. Cornwall is nearing the end of its current Council's administration and Overview and Scrutiny Committees have been reflecting on the work that they have undertaken over the past 4 years. They are of the view that more overview and scrutiny work needs to be done in relation to crime and community safety in the new Council's administration and has recommended to the new Council that this takes place including the relationship with the Police and Crime Panel.
- 4.4 Plymouth – in 2011 and 2012 the Customer & Communities Overview and Scrutiny Panel scrutinised the spike in serious acquisitive crime which has since reduced. They have also been scrutinising the developments and implementation of the Police and Crime Panel (with Plymouth as the Host Authority). They also scrutinise, from time to time, crime levels generally.
- 4.5 South Hams District Council and West Devon Borough Council - are holding scrutiny meetings in June 2013 on the topic of Community Safety Partnership.

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