

Lancashire Police and Crime Panel

Monday, 1st October, 2012 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Agenda

Part 1 (Open to Press and Public)

No.	Item	
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| 1. | Apologies | |
| 2. | Minutes of the last meeting
(Copy attached) | (Pages 1 - 6) |
| 3. | Update on the Constitution of the Police and Crime Panel | (Pages 7 - 8) |
| 4. | The appointment of two independent co-opted members to the Panel | (Pages 9 - 10) |
| 5. | Presentation by Miranda Carruthers-Watt, Chief Executive of the Lancashire Police Authority
Ms Carruthers-Watt will give a presentation on the transfer of policing governance to the Police and Crime Commissioner for Lancashire | |
| 6. | Presentation by Mr C Long, Deputy Chief Crown Prosecutor and Chair of the Lancashire Local Criminal Justice Board
The Chair has accepted an offer from Mr Long to give a presentation to the Panel regarding the role and responsibilities of the Lancashire Local Criminal Justice Board and how it can work with the Panel in the future. | (Pages 11 - 12) |
| 7. | Programme of future meetings for the Police and Crime Panel | (Pages 13 - 14) |
| 8. | Complaints Handling Process | (Pages 15 - 18) |
| 9. | Urgent Business | |

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Secretary to the Panel should be given advance warning of any Member's intention to raise a matter under this heading.

10. Date of Next Meeting

The date of the next meeting will be subject to the agreement of a programme of future meetings as set out at item 7 above

I M Fisher
Secretary to the Police and Crime Panel

County Hall
Preston

Agenda Item 2

Lancashire Police and Crime Panel

Minutes of the Meeting held on Tuesday, 31st July, 2012 at 2.00 pm in Cabinet Room 'C' - County Hall, Preston

Present:

Chair

Councillor K Hollern, Blackburn with Darwen Borough Council

Committee Members

Councillor P Barton, Hyndburn Borough Council

Councillor R Berry, Wyre Borough Council

Councillor S Blackburn, Blackpool Council

Councillor J Cooper, Burnley Borough Council

County Councillor G Driver, Lancashire County Council

Councillor D Eaves, Fylde Borough Council

Councillor M Foxley, Pendle Borough Council

Councillor I Grant, West Lancs Borough Council

Councillor S Hirst, Ribble Valley Borough Council

Councillor A James, Lancaster City Council

Councillor L Oades, Fylde Borough Council

Councillor P Rankin, Preston City Council

Councillor S Serridge, Rossendale Borough Council

Councillor D Smith, Lancaster City Council

Councillor M Smith, South Ribble Borough Council

Councillor P Wilson, Chorley Borough Council

*Councillors R Berry, S Hirst, A James, S Serridge and P Wilson replaced Councillors P Gibson, M Ranson, M Thomas, A Barnes and A Bradley respectively.

Officers in attendance:

Ian Fisher - County Secretary and Solicitor – Lancashire County Council

Roy Jones –Assistant County Secretary – Lancashire County Council

Christine Durber – Deputy Chief Executive – Lancashire Police Authority

1. APPOINTMENT OF THE CHAIRMAN

The Panel received two nominations for the appointment of Chairman of the Panel for the remainder of the 2012/13 municipal year.

The Panel was reminded that only the 15 appointed Panel members would be eligible to vote on this matter.

On being put to a named vote, it was:

Resolved:- That Councillor Kate Hollern be appointed as Chairman of the Panel for the remainder of 2012/13.

2. APPOINTMENT OF THE VICE CHAIRMAN

The Panel was asked to appoint a Vice Chairman for the remainder of the 2012/13 municipal year.

Resolved:- That Councillor Simon Blackburn be appointed as Vice Chairman of the Panel for the remainder of 2012/13.

3. MEMBERSHIP/TERMS OF REFERENCE OF THE POLICE AND CRIME PANEL AND THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE PANEL.

Roy Jones, Assistant County Secretary presented a report on the membership and Terms of Reference of the Lancashire Police and Crime Panel.

The Police and Crime Panel had been established for Lancashire on the basis of a joint committee comprising 1 councillor from each local authority within the Lancashire Police area with 2 co-opted independent members and, subject to approval by the Secretary of State, up to 3 additional co-opted members.

The Panel was asked to agree to the appointment of the 3 additional co-opted members to serve on the Panel.

It was noted that a further two independent co-opted persons would also be appointed to serve on the Panel and that all Panel Members would have equal voting rights.

Discussion took place on the proposed Panel arrangements set out in Appendix A to the report and in particular the cost to be borne by constituent councils. One member maintained that the cost had been underestimated and that this could prove to be a distraction for the Panel. It was suggested that these concerns be conveyed to the Home Secretary.

Resolved:-

- i) That the membership and Terms of Reference as set out in the report be noted.
- ii) The panel arrangements and the procedure rules as set out in Appendix 'A' to be the report be noted.
- iii) That subject to the approval of the Home Secretary, Councillors Neil Mottershead, Liz Oades and Malcolm Thomas be appointed to serve as additional co-opted members on the Panel.
- iv) That the County Council's Standing Orders, where they relate to the operation of and proceedings for Committees, be adopted by the Panel as the default Standing Orders for the Panel.

- v) That the concerns of the Panel, in respect of the costs to be borne by constituent authorities, be conveyed to the Home Secretary.

4. CONTEXTUAL BRIEFING FOR MEMBERS OF THE POLICE AND CRIME PANEL

A PowerPoint presentation on the key functions of the Lancashire Police and Crime Panel was made by Roy Jones who was accompanied by Christine Durber, the Deputy Chief Executive of Lancashire Police Authority.

The Panel was advised that their primary purpose was to scrutinise the Police and Crime Commissioner (PCC) and operate as a critical friend offering challenge and support.

The key functions of the Panel would be to review and report on the PCC's Police and Crime Plan and annual report and to review and make recommendations on the PCC's level of precept.

The Panel noted that it would also have the power to:

- review Chief Constable and other senior appointments;
- scrutinise the key strategic decisions made and actions taken by the PCC;
- consider and resolve complaints against the PCC and Deputy PCC; and
- make reports or recommendations to the PCC on the discharge of his/her functions.

The Panel was reminded that the PCC elections would be held on 15 November, 2012 and that the successful candidate would take up office at midnight on the 21 November, 2012.

The Deputy Chief Executive informed the Panel that the Lancashire Police Authority would transfer into the office of the PCC following his/her election. The Panel noted that there would be a reciprocal duty on all partners i.e. the Chief Constable, local authorities, the criminal justice system, community safety partnerships etc and the PCC to work together to ensure the partnership was both efficient and effective.

The Panel thanked the officers for their presentation and requested that a copy of the PowerPoint presentation be circulated to all Panel members following the meeting.

Resolved:- That the presentation be noted.

5. THE POLICING PROTOCOL ORDER 2010

The Assistant County Secretary presented a report setting out details of the Policing Protocol Order 2010 which related to how the Police and Crime Panel would work with others.

The Panel was informed that they must have regard to the Policing Protocol issued by the Home Secretary which outlines the ways in which the Home Secretary, the Police and

Crime Commissioner, the Chief Constable and the Police and Crime Panel, should work together.

The Protocol makes provision about the ways in which these relevant persons should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

The Panel's attention was drawn to paragraph 8 of the Protocol which calls on all parties to establish and maintain effective working relationships. It was expected that the principles of goodwill, professionalism, openness and trust would underpin the relationship between them and that all parties would do their utmost to make the relationship work.

Resolved: That the Policing Protocol Order 2010 be noted.

6. APPOINTMENT OF ADDITIONAL COOPTED MEMBERS

A report was presented on the required arrangements for the appointment of two independent members of the Panel.

The Panel noted the guidance produced by the Local Government Association on how Police and Crime Panels should go about appointing independent co-opted members. This included the establishment of a Selection Panel to appoint the independent co-opted members.

It was agreed that the Selection Panel would comprise of the Chairman, Deputy Chairman and Councillors Peter Rankin, Julie Cooper and Michael Ranson.

The Panel was informed that once appointed, the two co-opted Independent persons would have equal voting rights.

Resolved: That the arrangements for the appointment of the two co-opted independent members, including the establishment of a Selection Panel, be approved.

7. PROPOSED PROGRAMME OF MEETINGS OF THE POLICE AND CRIME PANEL

A report was presented on a proposed programme of meetings for 2012/13 together with a suggested Work Plan for the Panel. The suggested work programme followed the statutory remit and functions of the Panel and the expected activities that it would undertake in its first year of operation. The suggested meeting dates had been selected to meet required statutory deadlines and processes, and particularly in relation to the Panel's function in respect of the PCCs budget and proposed precept.

Following discussion, it was agreed that future meetings of the Panel would be held both in the daytime and the evening at various venues across the County.

Resolved: That the programme of future meeting, as set out in the report now presented, be approved.

8. PROMOTIONAL ACTIVITY FOR THE POLICE AND CRIME PANEL

A report was presented on the way in which the work of the Police and Crime Panel could be promoted in the future.

In order to give the Panel a distinct identity it was proposed that a definite brand, incorporating a specific colour scheme and logo be established which each individual local authority could then use when promoting the Panel. It was also proposed that the primary means of promoting the work of the Panel should be done through the establishment of a webpage/website. This would be created, to sit on the County Council's Website (as host Authority) to reflect the distinct identity of the Panel.

The Panel was also asked to consider whether they felt it would be appropriate to webcast the Panel meeting at County Hall.

Resolved: That

- i) The report be noted
- ii) A definite brand, incorporating a specific colour scheme and logo be established.
- iii) A webpage/website be created, to sit on the County Council's Website to reflect the distinct identity of the Panel.
- iv) Consideration of whether to webcast the meetings of the Panel at County Hall be deferred.

9. URGENT BUSINESS

There were no items of urgent business.

10. DATE OF NEXT MEETING

It was noted that the next meeting of the Panel would be held on Monday 1st October 2012 at 10.00 a.m. in Cabinet Room C at County Hall, Preston.

Ian Fisher
Secretary to the Police and Crime Panel

County Hall
Preston

Police and Crime Panel for Lancashire

Meeting to be held on 1st October 2012

Constitution of the Police and Crime Panel.

Contact for further information: Mike Neville 01772 533431, Office of the Chief Executive mike.neville@lancashire.gov.uk

Executive Summary

An update regarding the response received from the Home Office to the formal notification of the constitution and membership of the Police and Crime Panel for Lancashire following the last meeting.

Recommendation

The Panel is asked to note the response from the Home Office as set out in the report.

Background and Advice

The Police Reform and Social Responsibility Act 2011 introduced major changes to the governance arrangements for Police Force areas and specifically provided for the election of Police and Crime Commissioners (PCC) and the establishment of Police and Crime Panels, to hold PCCs to account.

A Police and Crime Panel for Lancashire was established on the basis of a joint committee comprising 1 councillor from each of the 15 constituent authorities within the Lancashire Police Force area with 2 co-opted independent members and, subject to approval by the Home Secretary, up to 3 additional co-opted members.

At the first meeting on the 31st July 2012 the Panel agreed to the appointment of the 3 additional co-opted members to serve on the Panel in order to satisfy the 'balanced appointment objective' so that when taken together the membership of the Panel represents the political make up of all of the relevant local authorities for the police area. The appointments are subject to the approval of the Home Secretary.

The Panel also agreed that a further two independent co-opted persons should be appointed to serve on the Panel and established a Selection Panel to consider applications. The Selection Panel's recommendation regarding candidates will be reported to the meeting under a later item on the agenda.

Following the first meeting formal notification of the establishment and membership of the Police and Crime Panel for Lancashire was sent to the Home Office as required by the regulations.

With regard to the approval of the 3 additional co-opted elected members to the Panel a response from the Home Office has indicated that the submission for Lancashire will be included in the next tranche of requests which will be put to the Home Secretary for consideration once ministers return to Parliament after Recess and a formal response is expected for mid October.

It should be noted that to date the Home Secretary has approved all co-option requests made for balanced appointment purposes.

Consultations

The Home Office was notified in writing of the establishment and membership of the Police and Crime Panel for Lancashire as required by the Police and Crime Panel (Nominations, Appointments and Notifications) Regulations 2012 and the Police and Crime Panel (Modification of Functions) Regulations 2012.

Implications:

This item has the following implications, as indicated:

Risk management

The requirement for an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Notification to the Home Office	14 th August 2012	M Neville, Office of the Chief Executive 01772 533431.

Reason for inclusion in Part II, if appropriate
N/A

Agenda Item 4

Police and Crime Panel

Meeting to be held on 1st October 2012

Appointment of additional Independent Co-opted members to the Police and Crime Panel

Contact for further information: Mike Neville 01772 533431, Office of the Chief Executive mike.neville@lancashire.gov.uk

Executive Summary

The recommendations of the Selection Panel established at the last meeting to consider applications for the two positions of independent co-opted members of the Panel.

Recommendation

The Panel is asked to consider the appointment of the two independent co-opted members as recommended by the Selection Panel.

Background and Advice

At the last meeting a report was presented regarding the required arrangements for the appointment of two independent co-opted members of the Panel and it was agreed to establish a Selection Panel comprising the Chairman, Deputy Chairman and Councillors Peter Rankin, Julie Cooper and Michael Ranson to consider applications and recommend suitable candidates.

Details of the two positions of independent co-opted member were subsequently advertised with a closing date of the 3rd September 2012.

The Selection Panel met on the 13th September 2012 to assess the 17 applications which had been received and agreed a short list of 7 candidates in accordance with the guidance agreed by the panel including the need to address any potential gaps in terms of the experience, knowledge and skills represented on the PCP

As one of the candidates was unavailable 6 candidates will be interviewed on the 28th September 2012 and the intention is that at the PCP on the 1st October 2012 the Chairman will inform the meeting of the two candidates who are recommended for the positions of independent co-opted member. It will then be for the PCP to formally appoint the candidates who will then be invited to attend the subsequent meetings of the Panel.

The two appointed independent co-opted members will receive a detailed induction on the role and responsibilities of the Panel prior to taking up their positions.

Consultations

Implications:

This item has the following implications, as indicated:

Risk management

The provision of an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
Report to the Police and Crime Panel 31 st July 2012 (item 6)	July 2012	M Neville, Office of the Chief executive 01772 533431
Reason for inclusion in Part II, if appropriate		
N/A		

This paper was circulated to the members of the Police and Crime Panel at the meeting on the 1st October 2012



LANCASHIRE CRIMINAL JUSTICE BOARD STRATEGY 2012 – 2015

Background

The LCJB comprises senior members from organisations making up the Criminal Justice System. The Board proactively drives change at a strategic, corporate and tactical level whilst ensuring an effective local response to political and legislative changes. The Board aims to be transparent and accountable; with a focus on delivering quality and efficient outcomes. Each agency is expected to be relentless in identifying opportunities to improve by identifying issues impacting on the wider criminal justice system and committing to finding innovative solutions jointly to deliver the best quality service to the people of Lancashire.

Our Vision:

“Working together to deliver the most effective Criminal Justice System for all people across Lancashire; meeting the needs of victims and witnesses, preventing and reducing offending and fairly, jointly and swiftly bringing offenders to justice; inspiring confidence in the Lancashire Criminal Justice System”

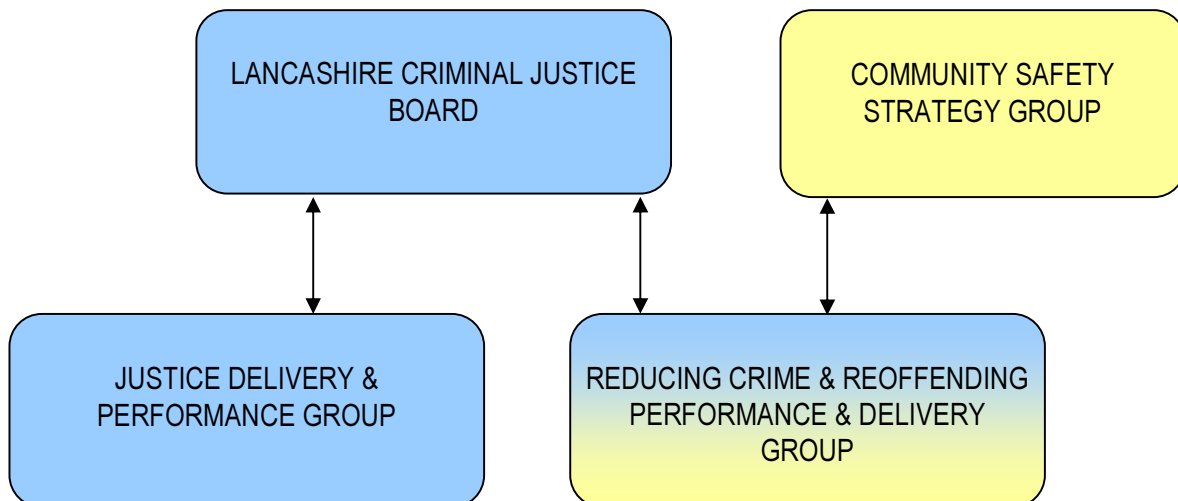
Aims: We will aim to achieve this by focusing on:-

- (i) Delivery of Justice: Continuously improving joint working to make the criminal justice system in Lancashire more effective and efficient that meets the needs of victims and witnesses and brings offenders to justice;
- (ii) Reducing crime and preventing re-offending
- (iii) To improve the confidence of the communities we serve in the Criminal Justice System

ACTIVITY	AIM
Maximising effective decision making and promoting the most appropriate disposal decisions when offences have been committed	Reducing crime & re-offending Delivery of Justice
Promoting and ensuring effective case management and progression by working together to deliver compliance with the Criminal Procedure Rules and focusing on quality and timeliness at all parts of the process	Delivery of Justice
Supporting the most vulnerable victims, witnesses and offenders through the prosecution process	Delivery of Justice Community Confidence
Delivering a communication plan that ensures the public and all parties in the criminal justice system understand how justice is being delivered in Lancashire giving credence to the accountability and transparency of criminal justice services to the public	Community Confidence
Continually seeking to improve on all existing processes to reduce bureaucracy and deliver efficiencies and timeliness taking full advantage of available technology and digitisation	Delivery of Justice Reducing Crime & re-offending
Create, analyse and understand a joint performance framework to determine changes required to criminal justice agency activity	Reducing crime & re-offending Delivery of Justice
Manage the interdependencies between activities undertaken within and between agencies such as Integrated Offender Management and Safeguarding	Reducing crime & re-offending

LCJB DELIVERY STRUCTURE 2012-15

The LCJB is made up of the Police, Crown Prosecution Service, HMCTS, Probation Service, Prison Service, Youth Offending Team, Legal Services Commission and Victim Support working together to deliver improvements across the whole criminal justice system



Lancashire Criminal Justice Board

Need to agree frequency of meetings.

Performance & Delivery Sub Groups

Justice Delivery

Sub group holding responsibility for scrutinising end to end performance in respect of case management. Responsible for delivery against the CJS Efficiency agenda and criminal justice processes up to the point of conviction. Specific projects commissioned by the Board for swift delivery, implementation and monitoring.

The group would have specific responsibility for dealing with all national reporting requirements pertinent to their focus for example, delivery against the CJS Efficiency Programme

The group is responsible for delivery of improved measured performance as directed by the LCJB.

Reducing Crime & Re-Offending

Sub group reporting jointly to the Community Safety Strategy Group and Lancashire Criminal Justice Board, holding responsibility for scrutinising end to end performance in respect of any activity that prevents or reduces offending. Specific projects will be commissioned by the Boards for swift delivery, implementation and monitoring.

The group would have specific responsibility for dealing with all national reporting requirements pertinent to their focus.

The group is responsible for delivery of improved measured performance as directed by the LCJB.

Agenda Item 7

Police and Crime Panel

Meeting to be held on 1st October 2012

A programme of meetings for the Police and Crime Panel

Contact for further information: Mike Neville 01772 533431, Office of the Chief Executive mike.neville@lancashire.gov.uk

Executive Summary

This report sets out a proposed programme of meetings for consideration by the Police and Crime Panel for Lancashire.

Recommendation

The Panel is asked to agree a programme of future meetings.

Background and Advice

At the last meeting of the PCP a report was presented on an outline programme of meetings for 2012/13 together with a suggested Work Plan for the Panel which followed the statutory remit and functions of the Panel and the expected activities that it would undertake in its first year of operation. The suggested meeting dates had been selected to meet required statutory deadlines and processes, particularly in relation to the Panel's function in respect of the Police and Crime Commissioner's budget and proposed precept.

Following discussion the Panel agreed that consideration be given to holding future meetings at different times and at various venues across the County.

Since the last meeting further discussions have taken place between Officers in relation to when meetings could be held, particularly in relation to the arrangements for considering the precept. This has resulted in a refinement of the original outline programme following amendments made to the timetabling of the precept by the Government.

Dates are currently being resolved and a schedule of proposed dates for future meetings of the panel will be tabled at the meeting on the 1st October 2012.

Consultations

Implications:

This item has the following implications, as indicated:

Risk management

The provision of an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
Report to PCP 31 st July 2012	31 st July 2012	M Neville, Office of the Chief executive 01772 533431
Reason for inclusion in Part II, if appropriate N/A		

Agenda Item 8

Police and Crime Panel

Meeting to be held on 1 October 2012

Electoral Division affected: All

Complaints about the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

Contact for further information: Ian Dickinson 01772 533462, Lancashire Police Authority. ian.dickinson@lpa.lancscc.gov.uk

Executive Summary

Consultation on the possible delegation of powers conferred on the Police and Crime Panel to handle complaints against the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

Recommendation

That the Panel delegates to the Chief Executive for the Police and Crime Commissioner, in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, all of the powers and functions conferred on it by those regulations to handle complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner, with the exception of the functions set out in Part 4 of the Regulations.

Background and Advice

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations") set out the processes by which complaints against a Police and Crime Commissioner (PCC) and a Deputy Police and Crime Commissioner (DPCC) are to be dealt with. Under these Regulations, the Independent Police Complaints Commission (IPCC), the Office of the Police and Crime Commissioner (OPCC), the Police and Crime Panel (the Panel) and the Chief Executive for the Police and Crime Commissioner (the PCC's Chief Executive) all have some responsibility for dealing with complaints, depending on their nature and seriousness.

The Panel has responsibility for handling all complaints (including conduct matters) directed against the PCC and the DPCC. The Police and Crime Panel (PCP) must consider each complaint that is made and determine what action should be taken, in accordance with the Regulations. This could necessitate meetings of the Panel being set up at short notice to enable to the Panel to consider complaints on a timely basis.

Any complaints or matters raised which indicate that the PCC or DPCC has, or may have, committed a criminal offence must be referred to the IPCC for them to consider and deal with appropriately.

At this stage, it is not known what level of complaints might arise. However, given the size and make up of the Panel and proposed frequency of meetings, it is not considered practicable to deal with the consideration of complaints at full meetings of the Panel.

To facilitate the expeditious handling of complaints, the Regulations allow for some aspects of the handling of the complaints within the Panel's remit to be delegated to, and only to, the PCC's Chief Executive. The powers of delegation include the administrative functions, making decisions on recording/non recording of complaints and referral of matters to the IPCC. The Panel may not delegate functions set out at Part 4 of the Regulations, which relate to the informal resolution of other complaints, to the PCC's Chief Executive. However, informal resolution of complaints may be handled by the Panel, a Sub-Committee, a Panel member or a designated person who is not a member of the Panel.

In order to ensure efficient and effective handling of such complaints, the Panel is recommended to delegate to the Chief Executive for the Police and Crime Commissioner, in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, all of the powers and functions conferred on it by those regulations to handle complaints against the PCC and DPCC, with the exception of the functions set out at Part 4 of the Regulations (Resolution of Other Complaints).

Guidance is currently being drafted in relation to the handling of complaints which are within the Panel's remit. A further more detailed report on the process will be brought to the Panel at its next meeting.

It is intended that there will be a standing item on PCC/DPCC complaints on the Panel's future agendas providing information about all complaints received and how they are being processed. This will enable the Panel to keep these matters under review.

Consultations

The Chief Executive and Solicitor to the Police Authority has been consulted on the recommendation and is content to accept the suggested delegation.

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police Reform and Social Responsibility Act 2011 includes provision for the handling of complaints and matters concerning the conduct of the holders of the

office of Police and Crime Commissioner and Deputy Police and Crime Commissioner.

The Regulations set out the process to be followed in relation to such matters. Regulation 7 of the Regulations provides for the Panel with the power to delegate its functions under the Regulations (apart from those in Part 4) to the PCC's Chief Executive.

Financial Implications

There are no direct financial implications arising from this report. It is proposed the handling of such complaints will be contained within existing resources

Risk management

The suggested delegation to the Chief Executive for the Police and Crime Commissioner, outlined in the report is in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
None		

