

Public Document Pack

Police & Crime Panel for Lancashire

Monday, 10th December, 2018

6.30 pm

Meeting Room A - Old Town Hall, Blackburn

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the meeting held on 19th September 2018**
Police and Crime Panel for Lancashire Minutes **3 - 7**
September 2018
3. **Declarations of Interest**
4. **Public Questions**
5. **Presentation by Chief Constable Andy Rhodes**
6. **Performance Monitoring Report**
performance report Dec18 **8 - 11**
7. **Police and Crime Commissioner Decisions**
Decision Report **12 - 14**
8. **Review of Police Complaints Procedures**
PCP Changes to Police Complaints System **15 - 19**
9. **Allowances and Expenses**
Members Allowances and Expenses **20 - 22**
10. **Updates from Task and Finish Groups**
Task and Finish Groups Update **23 - 25**
11. **Update from Annual PCP Conference and AGM of**
Police, Fire and Crime Panels 2018
The Vice Chair, Councillor Andy Kay, and Phil Llewellyn will report on their attendance at the Annual PCP Conference and AGM of Police, Fire and Crime Panels held on 12th

November 2018.

12. Monitoring of Complaints

PCP Complaints Update

26 - 28

13. 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 of the Panel should be given advance warning of any Members intention to raise a matter under this heading.

14. Date of Next Meeting

The next scheduled meeting of the Police and Crime Panel will be held at 6.30pm on Monday 21st January 2019, in Cabinet Room 'C' The Duke of Lancaster Room, County Hall, Preston

Date Published: 30th November 2018

Police and Crime Panel for Lancashire

Minutes of the meeting held on Wednesday 19th September 2018

Present:

Chair

Councillor Alistair Bradley, Chorley Borough Council

Committee Members

Councillor Adrian Lythgoe, Rossendale Borough Council

Councillor Andy Kay, Blackburn with Darwen Borough Council

Councillor Albert Atkinson, Lancashire County Council

Councillor Tony Martin, Burnley Borough Council

Councillor Liz Oades, Fylde Borough Council

Councillor Munsif Dad, Hyndburn Borough Council

Councillor David Whipp, Pendle Borough Council

Councillor Margaret Foxley, Pendle Borough Council

Councillor Brian Rollo, Preston City Council

Councillor Caroline Moon, South Ribble Borough Council

Councillor Roger Berry, Wyre Borough Council

Abdul Mulla, Independent Co-opted Member

Also in attendance

- Angela Harrison, Office of the Police and Crime Commissioner
- Ian Dickinson , Office of the Police and Crime Commissioner
- Sian Roxborough, Council Solicitor
- Phil Llewellyn , Governance and Democratic Manager

1. Welcome and Apologies

The Chair welcomed all to the meeting. Apologies were received from the Police and Crime Commissioner (PCC) Clive Grunshaw, Councillors Geoff Driver, Ivan Taylor, Ben Aitken, Brendan Hughes, Mike Nathan, Ken Hind, Ged Mirfin, Kevin Wright and Independent Co-opted Member Altaf Baghdadi.

2. Minutes of the meetings held on 2nd July 2018 and 25th July 2018

The Minutes of the meetings held on 2nd July 2018 and 25th July 2018 were agreed as a correct record.

Under matters arising for the meeting on 25th July 2018, the Chair noted that the decision of the PCC not to pursue his Fire Governance proposals, and was pleased

to see that the PCC would be working closely with the Fire Authority to look at collaboration proposals.

In terms of the appointment of a Deputy PCC discussed at the same meeting, it was noted that the PCC had decided to proceed with the appointment, but had not given justifiable reasons for the appointment as requested.

In the absence of the PCC, Angela Harrison reported that the Commissioner felt that he had justified his decision in the report he submitted at the meeting, and outlined the reasons for the Panel (the role had changed since 2012 in a number of ways and the PCC also needed assistance to engage and consult) and that the difference of views from the Panel was noted, but that ultimately the Commissioner did not have to justify his decision.

Panel Members commented that a formal response as requested would have been more appropriate and then Members would have had the opportunity to explore further the reasons presented for the appointment.

3. Declaration of interests

No Declarations of Interest were submitted.

4. Public Questions

No public questions have been received.

5. Performance Monitoring Report

Angela Harrison presented a revised Performance Monitoring Report, which had been changed to better meet the needs of the Panel.

Sergeant Ian Dawson delivered a presentation on the Crime Data Integrity Audit, which set out the inspection regime and the changes introduced which had led to changes in how crimes were recorded and subsequently had led to increases in recorded crime.

The first reports were published in 2014, and in 2016 a positive emphasis had been placed on violent crimes and sexual offences which had led to staggering increases in recorded crime. This had led to a predicted 40% increase in recorded crime for 18/19 as a result of the reclassification of serious crimes.

Sgt. Dawson reported that it was very hard to compare like with like when looking at other forces, as if depended on if a force had been inspected under the new regime and also when it had been inspected. Some forces had seen a 100% increase in recorded crime as a result of the new recording regime, and it would 2020 or beyond before all forces could be accurately compared.

Members of the Panel asked Sgt.Dawson a number of questions on the inspection regime and the changes and impact on staff required to deal with recording of data (around 12-15 staff had been uplifted, some of which were already identified as a result of Connect changes) and thanked Sgt.Dawson for the presentation which had helped clarify the reasons for the rises in recorded crime across the areas referred to.

In terms of the Performance Monitoring Report, Angela Harrison agreed to circulate to the Panel information on response times in relation to what actions were being taken to deal with the negative direction the figures were taking, as well as the actions being taken to dealing with declining user satisfaction figures. The Chair also requested that the Finance Seminar in December be presented with the latest position in funding the policing of the Fracking protests.

RESOLVED –

- 1) That the report be noted;
- 2) That the Chief Executive be requested to circulate the Crime Data Integrity Audit Presentation to all Panel Members; and
- 3) That the Chief Executive circulate the information requested on response times, user satisfaction and arrange for the up to date Fracking policing costs be presented to the Finance Seminar in December.

6. Police and Crime Commissioner Decisions

A report was submitted which highlighted decisions made by the Commissioner and Director since the AGM meeting on 2nd July 2018.

RESOLVED- That report be noted.

7. Members Expenses and Allowances

A report was submitted which sought to review and clarify to Members of the Panel the allowances and expenses that could be claimed. The matter was last considered at the Panel meetings on 7th April 2014 and 25th January 2016 and most recently on 2nd July 2018 with expenses being referred to as being travel, subsistence, loss of earnings and conference / training costs.

Councillors were already compensated for loss of earnings by the Allowances system operated by each Constituent Council, so a claim could not be made for “loss of earnings” as an expense item. Currently the panel did not pay any `SRA's as each Constituent Council was left to set locally any allowances for its members who sit on the Panel.

The scrutiny role of the Panel as it had evolved had led to the publishing of a forward plan for the year ahead and identified areas it would wish to scrutinise in more detail. This could mean more meetings of the Panel and/or its sub-groups than originally

envisaged. For this reason members may wish to draw this to the attention of their Constituent Councils when allowances for Panel members were reviewed.

Similarly in terms of SRAs for Chairs of Panels, it had been down to the relevant authority to consider paying an SRA if their Member has been appointed as Chair of the Panel. There was no requirement to pay allowances to co-opted members and it was left to authorities to decide if they should be paid.

Members of the Panel discussed the report and it was suggested that the Chairs of Scrutiny Committees should be paid a SRA, and that Co-opted Members should receive an allowance to compensate for loss of earnings.

RESOLVED – That a further report with options for payment of allowances be submitted to the next meeting.

8. Lancashire Police & Crime Panel Forward Plan 2018/19

An updated Forward Plan was submitted, which reflected the creation of the Task & Finish Groups for 2018/19 and the timetable for reports to the full Panel on their work.

It was noted that the Chief Constable would be attending the December meeting of the Panel and Members of the Panel were requested to advise the Secretary of any areas they would like the Chief Constable to address.

RESOLVED – That the updated Forward Plan be approved.

9. Update from the Annual LGA Police and Crime Panel Workshop July 2018

Cllr Andy Kay and Phil Llewellyn provided an update on their attendance at the Annual LGA Police and Crime Panel Workshop, held in July in London.

The Workshop had focussed on Fire Governance, Complaints reform and an update on the LGA Special Interest Group, the AGM of which would be held at the Annual PCP Conference in November.

RESOLVED – That the update be noted.

10. Annual PCP Conference and AGM of Police, Fire and Crime Panels November 2018

The Chair requested that any Member wishing to attend the Annual PCP Conference in Warwick in November advise Phil Llewellyn, who would circulate details.

11. Annual Finance Seminar at Blackburn Town Hall – 10th December 2018

Members were asked to note that the Annual Finance Seminar would take place at Blackburn Town Hall at 5.30pm, prior to the main Panel meeting at 6.30pm.

12. Monitoring of Complaints

A report was submitted which set out the current position with regard to communications relating to potential complaints received up to 31st August 2018 in relation to the Police and Crime Commissioner.

RESOLVED – That the update in relation to Communications and Complaints be noted.

13. Urgent Business

There were no items of urgent business.

14. Date of next meeting

The next meeting of the Panel would be held on Monday, 10th December 2018 at 6.30pm in Blackburn Town Hall.

Signed.....Chair
2018

POLICE AND CRIME PANEL

Meeting to be held on 10 December 2018

Police & Crime Plan Performance Monitoring Report

Contact for further information Ian Dickinson, 01772 533587, Office of the Police and Crime Commissioner, ian.dickinson@lancashire-pcc.gov.uk

EXECUTIVE SUMMARY

The Purpose of this report is to provide Members of the Panel with an update on progress in delivering the current Police and Crime Plan (the Plan) for Lancashire 2016-2021.

This report covers the '2nd quarter' from the 1 July 2018 to 30 September 2018

RECOMMENDATION

The Panel is asked to consider the report.

Background

1. The Police and Crime Commissioner has a responsibility to hold the Chief Constable to account for the Constabulary's performance as against the police and crime plan priorities by means of the quarterly Strategic Scrutiny meeting.
2. This link <https://www.lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/strategic-scrutiny-meetings/> details the Scrutiny papers received from the Chief Constable and the note of the meeting records the PCC holding the Chief Constable to account.
3. The Panel are therefore referred to that Scrutiny meeting and may through today's meeting ask the Police and Crime Commissioner issues they feel relevant to that Scrutiny.

Performance Headlines

4. The main focus of the Commissioner continues to be the performance of the Force Control Room (FCR).
5. Members are aware that since 2017, the Constabulary has faced increasing demand pressures in relation to both 999 and 101, and whilst the trend is showing a gradual improvement, the Constabulary is continuing to monitor this closely with recruitment and a change to POD working key factors in improving performance.

6. The staffing levels for the Force Control Room has increased through this recruitment and the most recent intake of 30 PCROs started training September in 2018 and will become operational in the room in early December. This will be the first time the actual establishment of PCROs in the FCR will be at the new 345 FTE level.
7. Since the last scrutiny report, the trial of POD working has commenced in the Force Control Room, the switchover date being the 25th September. The transition to temporary POD working has gone well.
8. Positively these changes have had no negative impact on service delivery to the public, with service levels for 101s and 999s being maintained at pre POD levels. Given the scale of the change in the Force Control Room to implement POD working this is an encouraging position to report.
9. It is too early to comprehensively report in this paper on impact of the change on the performance of the FCR. However, the Commissioner will provide a more detailed update on the progress of the POD at the next meeting.
10. The Panel's Task and Finishing Group for Contact management met with officers from the OPCC and Constabulary on the 17 October 2018.
11. Members will recall that the HMICFRS National Child Protection Inspection team (CPI) inspected Lancashire in October 2017 and the report was published on the 8th March 2018 with their findings. Since the inspection the Commissioner has overseen a detailed qualitative review of all the work undertaken by the Constabulary and the inspections, surveys, audits and reviews have provided priority areas that the Constabulary will focus on over the next month. These have provided a confident position of how the Constabulary is dealing with Child Protection issues and a clear sense that the Constabulary is in a far better position ahead of CPI revisit in December.
12. Likewise, Members will recall that HMICFRS Crime Data Integrity Inspection team (CDI) inspected Lancashire in July 2017 and the report was published on the 28th November 2017 with their findings. Again since the inspection the Commissioner has overseen considerable activity within the Constabulary and alongside ongoing audit activity reported through the HMICFRS board and tracked through Investigative quality and Operations Boards provide clarity and confidence that the Constabulary is in a strong position ahead of the re-inspection in the New Year.
13. In September the OPCC was the lead bidder for the Early Intervention Youth Fund, rallying together the community safety managers, Genga manager and Constabulary officers and analysts looking at the topics key to Lancashire and the PCC's priorities. 16 projects formed 4 bids many on the reducing reoffending footprint looking at knife crime initiatives and ASB type interventions. Unfortunately Lancashire were unsuccessful with much of the money going to southern regions which tends to suggest Lancashire's crime profile and need was not as high. However, feedback in relation to

Lancashire's bids is expected towards the end of November and the Commissioner is keen to lobby all Lancashire MPs regarding the unsuccessful bid

14. The Pan Lancashire Anti-Slavery Partnership continues to thrive with new partnership arrangements happening all the time. The core group now have business, siroptomists, health, DWP, police, local authorities, charities, and faith groups. A local authority toolkit has been developed for training and support purposes and a roadshow was held successfully in Blackburn across three venues, including a service in the Cathedral, the Freedom bus and the Modern Slavery experience. A similar roadshow is to be held on 24 November at Preston on venues including the shopping centre, railway station, Preston North End football ground where grounds of 12 – 15,000 are expected (this will have taken place prior to the panel on 10 December). In addition the OPCC have been successful in bidding for 2 x £1000 from the National Anti-Trafficking and Modern Slavery Network (NATMSN). 1 x £1000 is to be used for partnership events and it is planned to use this money for the roadshows in addition to considering a table top exercise in the new year. The other £1000 is to be used for businesses and a conference is planned in the new year to inform and educate businesses in respect of recruitment, induction, training, migrant workers and modern slavery statements. The office have also been chosen as the 'receiver of modern slavery training'. In respect of being nominated for a training award the results will be known on 5 December 2018.
15. In respect of Fraud and Cyber for which the Commissioner is the APCC National Lead, the Commissioner met with the new policing lead for Fraud and Cyber at the City of London ahead of the launch of the National Economic Crime Victim Care Unit which indicates the victim care pathways currently being piloted with a view to ensuring all forces have this capability (Clive jointly opened the event). The Commissioner is also represented at an External Reference Group for HMICFRS strategically considering the format of next year's HMICFRS inspection into Fraud and Cyber. The Commissioner has also had a presentation from the Constabulary's Digital Transformation team on the Constabulary's Digital Strategy inclusive of the newly appointed Cyber Team and Victim Care pathway for victims of Fraud and Cyber.
16. The OPCC were represented at the Blackburn with Darwen Adults with Complex Needs Summit recognising the impact of mental health, policing needs and the housing situations on all services.
17. The Commissioner has awarded around £165k in respect of the Reducing Reoffending Portfolio in respect of nine projects across Lancashire. Mirroring the four boards' status, East, West North and South and there is at least one scheme for each area including one pan Lancashire bid. All aimed at reducing reoffending diversionary schemes including structured approaches with offenders to cease or minimise the risk of reoffending and take appropriate pathways towards education and employment.

18. The Commissioner is very supportive of the work the Constabulary do in relation to tackling rural crime and recently attended a conference recognising, across all partners, of the good work and investment of officers.
19. The PCC organised a Child Exploitation Conference attended by nearly 250 practitioners from across Lancashire. The conference showcased a number of resources and developments with the NEST CE Toolkit as well as two keynote speakers.
20. The PCC has worked with LCC, BwD and Blackpool domestic abuse colleagues in submitting a successful bid for funding which will help support the development of refuge provision.
21. The PCC is working with the LCC Safeguarding Boards and NHS England to jointly fund a project to improve understanding of the range of domestic and sexual abuse services and organisations operating in the county. The project will also look at current referral arrangements and identify where these need to be strengthened or improved and will identify any gaps in provisions or access to services.
22. The PCC continues to deliver services and support for victims of crime through the commissioned Lancashire Victim Services. Whilst the number of referrals into the service have reduced as a result of the introduction of GDPR regulations the number of victims accessing support has not reduced.
23. As the Panel are aware, to support vulnerable people and victims of crime, the Commissioner has commissioned a Lancashire Victim Service.
24. A comprehensive suite of Key Performance Indicators has been developed and agreed to monitor contract performance, which forms the basis of ongoing scrutiny by the PCC's office. All support services for victims will be delivered in line with the requirements of the Victims Code and the EU Victims Directive.
25. During this financial year, four quarterly review meetings will be scheduled in order that performance is monitored, and LVS management allowed the opportunity to meet with OPCC staff in order to discuss any issues of concern.

Recommendation

26. Panel Members are recommended to consider the information contained in this report, and the information provided within the meeting, and comment accordingly.

Angela Harrison
Director

POLICE AND CRIME PANEL

Meeting to be held on 10 December 2018

Police & Crime Commissioner Decisions

Contact for further information: Ian Dickinson, 01772 533462, Office of the Police and Crime Commissioner, ian.dickinson@lancashire-pcc.gov.uk

EXECUTIVE SUMMARY

The purpose of the report is to highlight decisions made by

- i) the Police and Crime Commissioner for Lancashire, and
- ii) the Director, under delegated authority in the period since the last meeting of the Panel on the 19 September 2018.

RECOMMENDATION

The Panel is asked to consider the report and raise any issues identified on the decisions presented.

1 Background

- 1.1. Under Section 28(6) of the Police Reform and Social responsibility Act 2011, the Panel is obliged to review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner's functions and, where necessary, make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.
- 1.2. The Commissioner is under a statutory obligation under the terms of the Specified Information Order to publish details of decisions of significant public interest. In more general terms under Section 13 of the 2011 Act, the Commissioner is obliged to ensure that he provides the Panel with any information that it might reasonably require to allow it to carry out its functions. This would include the provision of information regarding the Commissioner's decisions and actions, irrespective of whether they were to be considered to be of 'significant public interest'.
- 1.3. In this respect, the Commissioner publishes on his website all decisions he has made.
- 1.4. Further details on all these decisions are available for scrutiny on the Commissioner's Website at:-

<http://lancashire-pcc.gov.uk/meetings-and-decisions/decisions/>
- 1.5. Additionally, Members may access the Strategic Scrutiny Agenda and Minutes at

<http://lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/strategic-scrutiny-meetings/>

and the Joint Management Board papers at

<http://lancashire-pcc.gov.uk/meetings-and-decisions/meetings-and-reports/joint-management-board/>

2 Decisions made and/or published since the last scheduled meeting of the Police and Crime Panel

2.1 Drawing on the information published on the Commissioner's website, a number of decisions have been made since the report to the Panel at its last meeting on 19 September 2018. These are set out in the table below.

Decision Reference	Decision Title	PCC Priority	Date of Decision
2018/31	Reducing Re-offending funding	All applications support one or more of the priorities	31 August 2018
2018/32	Community Action Fund Applications	All applications support one or more of the priorities	21 September 2018
2018/33	Part Funding for sergeant in Cyber Unit	Supporting Vulnerable people	15 October 2018
2018/34	Street Pastors, Street Angels	Supporting Vulnerable people	19 October 2018
2018/35	Community Action Fund Applications	All applications support one or more of the priorities	19 October 2018
2018/36 (Restricted)	Pension Forfeiture	Supporting Vulnerable people and Victims	-
2018/37	ICT Strategy – 2018 -2015	Governance	15 November 2018
2018/38 (Restricted)	Custody Services Review	This decision supports all of the priorities	15 November 2018
2018/39 (Restricted)	Strategic Policing Requirement	This decision supports all of the priorities	15 November 2018
	Delegated Decision	Governance	30 November 2018

3. Director's Delegated Decisions

- 3.1 The Panel will recall that the Commissioner has agreed to the Director's delegated decisions being published.
- 3.2 A report detailing the exercise of her delegations made since the last meeting was presented to the Commissioner on the 30 November 2018. This report has been published along with all other decisions made by the Commissioner on the website and is available for inspection via the following link.

<http://lancashire-pcc.gov.uk/meetings-and-decisions/decisions/>

4. Conclusion

- 4.2 In accordance with its statutory duty, the Panel has the opportunity to scrutinise and review the decisions made and published as set out in the report now presented.

Agenda item

Police and Crime Panel

Meeting to be held on 10th December 2018

THE POLICING AND CRIME ACT 2017 – UPDATE ON CHANGES TO POLICE COMPLAINTS SYSTEM

Contacts for further information:

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ian.Dickinson@lancashire-pcc.gov.uk

David Fairclough (01254) 585642 Secretary Lancashire Police & Crime Panel,
david.fairclough@blackburn.gov.uk

1. Executive Summary

- 1.1. This report sets out the current position with regard to the changes to be introduced to the Police Complaints regime consequent of the Policing and Crime Act 2017 (the Act) and the likely timeframe for change.

2. Recommendation

- 2.1. That the update in relation to changes to the Police Complaints System be noted and also agree that a further report be presented when the date for the introduction of the changes outlined is confirmed in 2019.

3. Background and Advice

- 3.1. The Act introduced various changes to the Police Complaints regime including:-
 - Changes to the ability of police officers subject to misconduct proceedings to resign and changes to the barred officers list arrangements;
 - Changes to the Independent Police Complaints Commission structure and constitution including a change of name to the Independent Office for Police Conduct (IOPC) (which took effect on 8th January 2018);
 - The introduction of the concept of super complaints – which has not yet taken effect; and

- The introduction of changes to the Police Complaints Regime including an enhanced role for Police and Crime Commissioners (expected to take effect in 2019).

3.2. This paper sets out the changes to the Police Complaints regime in more detail and describes the approach being taken in Lancashire to these changes.

4. Overview of the changes to the Police Complaints regime

4.1. The Act made a number of changes to the police complaints regime in order to increase public confidence and to simplify the system. These changes included:-

- Introducing a broader definition of a complaint;
- Allowing low level customer services issues to be resolved informally outside of the formal process;
- Requiring that all complaints are recorded unless the complainant withdraws the complaint or it is decided to address it informally;
- Removing the different options for handling complaints and replacing them with a duty for appropriate authorities to handle complaints in a reasonable and proportionate manner; and
- Simplification of appeal points so that there is one right of appeal in relation to the outcome of the complaint.

4.2. The Act also seeks to strengthen the role of Police and Crime Commissioners (PCC's) in the complaints process. It introduces new duties which are mandatory and also allows Police and Crime Commissioners to choose to take over a number of functions. It will also allow Police and Crime Commissioners to delegate their complaint handling powers.

4.3. There are three options under the Policing and Crime Act for Police and Crime Commissioners:-

Option 1 – Reviews - Mandatory

The PCC will have an express duty in relation to the oversight of the complaints process. Police and Crime Commissioners will become the body to deal with all reviews (currently known as appeals) which are currently heard by the Chief Constable – this does not include appeals in relation to potentially criminal or serious misconduct issues which will be heard by the IOPC.

Option 2 – Customer Service approach for low level complaints

Police and Crime Commissioners may choose to receive and record all complaints and to resolve low level complaints outside of the formal process.

Option 3 – Single Point of Contact with Complainants

Police and Crime Commissioners may decide in addition to options 1 & 2 to become the single point of contact with complainants throughout the process unless the matters are being investigated by the IOPC. However, formal investigation of complaints will still remain with police forces.

5. Timetable

5.1. The timetable for the introduction of these changes to the Police Complaints regime is not currently clear. It was originally intended that they would take effect in June 2018. Whilst, this date was pushed back until at least March 2019, recent guidance from the Home Office suggests that the date will now be pushed back further into the New Year.

6. The position in relation to the Police Complaints changes in Lancashire

6.1. The PCC has indicated his intention to adopt Option 1 of the Policing and Crime Act changes, the Mandatory option, to take over the review/appeals process for police complaints from the Chief Constable. The PCC also decided not to take up options 2 and 3 at this stage but will continue to keep this under review.

6.2. The PCC has also supported the introduction of a more customer serviced focussed approach to lower level complaints through the introduction of the Constabulary's 'service recovery' team to handle lower level complaints.

6.3. This involves early contact with complainants by a dedicated 'Triage Team' within the Constabulary's Professional Standards Department (PSD) in order to establish further details about the matters in question. The complainant's desired outcome is also discussed in order for PSD to work towards providing a conclusion that works for both the Constabulary and the complainant prior to the recording of a formal complaint. It has been established that on average 51% of Complainants did not wish to proceed with the formal complaint process under Schedule 3 of the Police Reform Act but instead wanted an explanation, apology or a quick resolution.

6.4. The move towards Service Recovery has improved public satisfaction and public trust through a process of effective and timely communication which then allows the Constabulary to learn important lessons; addressing any documented concerns.

6.5. The OPCC will continue to update the Police and Crime Panel on progress and on the expected timescale for implementation of the relevant aspects of the Act.

7. Impact on the Lancashire Police and Crime Panel Complaints Procedure

7.1. The Panel handles complaints in respect of the Police & Crime Commissioner and his deputy. Under paragraph 10 of the Procedure the Panel has delegated its authority for the initial handling of complaints, together with other aspects of the process, as set out in the procedure, to the Secretary. As set out separately on this Agenda the Panel is updated on these matters at each meeting.

7.2. The Lancashire Police and Crime Panel Complaints Procedure makes clear that its remit is to consider all non-criminal complaints directed against the Police and Crime Commissioner (and Deputy) and any matter referred back to the Panel by the IOPC.

7.3. The Home Office do not expect that the PCC's new role in police complaints as described above should lead to an increase in complaints about the PCC that the Panel is required to deal with. This is because complaints about this issue are extremely unlikely to relate to PCC personal conduct issues. In addition, Panels will not provide an additional tier of appeal for complainants who are not satisfied with the PCC's decision following a complaint appeal/review.

7.4. However it is acknowledged that the PCC's management of the aspects of the complaints process that they are responsible for will be a legitimate area of scrutiny for the Panel to consider. So for example, if the Panel begins to receive significant numbers of complaints about the PCC's management of police complaints, this may indicate issues the Panel may wish to scrutinise in the future.

7.5. The Panel can also expect the publication in the coming months of new Guidance on the handling of complaints against PCCs. It is understood the Home Office and LGA have been undertaking work to develop this Guidance, including building on the IOPC guidance on vexatious and unreasonable complainants as well as providing guidance on managing complaints about PCCs arising from their new role in police complaints going forward. Once received a copy of the guidance will be provided to the panel for information.

8. Consultations

N/A

8.1. Implications:

This item has the following implications, as indicated:

The implementation of the Policing and Crime Act 2017 will require changes to the responsibilities of the PCC and the operation of the Panel's Complaints Handling Procedure as set out in this report.

a) Legal Implications

The Police and Crime Panel Procedures for the handling of Complaints as adopted by the Panel comply with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011 for the handling of complaints and matters concerning the conduct of the holders of the office of Police and Crime Commissioner (and Deputy). On the enactment of the changes in the Policing and Crime Act 2017, the Panel will need to approve changes in the Lancashire Police and Crime Panel Complaints procedure to reflect the changes made by the Act.

b) Financial Implications

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

c) Risk management

The requirement to monitor, handle and record complaints against the PCC and DPCC is in accordance with the provisions of The Elected Policing Bodies (Complaints and Misconduct) Regulations 2012.

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

<u>Paper</u>	<u>Date</u>	
<u>Contact/Directorate/Tel</u>		
The Policing and Crime Act – LGA	21.12.17	David Fairclough HR, Legal & Corporate Services 01254 585642

Agenda item

Police and Crime Panel

Meeting to be held on 10th December 2018

MEMBERS EXPENSES AND ALLOWANCES

Contact for further information:

David Fairclough (01254) 585642 HR, Legal & Corporate Services,
david.fairclough@blackburn.gov.uk

Executive Summary

To update on Members Allowances/Expenses pending further advice to be received.

Recommendation

That the Panel note the current position and defer a final decision pending receipt of Home Office advice.

Background and Advice

The LGA document: "Panel arrangements and the balanced appointment objective" dated May 2012 says:

"9 Allowances and Expenses

9.1 Each Authority has the discretion to pay its representatives on the Panel Special Responsibility Allowances, and to reimburse reasonable expenses incurred. No allowance or expenses payments will be made by the Panel itself to elected members. Any allowances or expenses which may be made to elected members arising out of Panel Membership shall be determined and borne by the appointing Authorities for each Panel Member individually.

9.2 The Host Authority, on behalf of the Panel will reimburse reasonable expenses to co-optees provided that this is agreed as part of the annual budget approved by the Panel."

Current position

This matter has been regularly considered by the Panel and most recently, on 19th September 2018. Expenses are referred to as being travel, subsistence, loss of earnings and conference / training costs.

Currently the Panel do not pay any `SRA's as each Constituent Council is left to set locally any allowances for its members who sit on the Panel (see above).

Over the years the scrutiny role of the Panel has evolved and now the Panel regularly sets out its Forward Plan for the year ahead and identifies areas it would wish to scrutinise in more detail. This may mean more meetings of the Panel and/or its sub-groups than originally envisaged. For this reason members may have/wish to have drawn this to the attention of their Constituent Councils when allowances for Panel elected members are reviewed.

Similarly in terms of SRAs for the Chair/Vice Chair of the Panels, it has been down to the relevant authority to consider paying an SRA if their Member has been appointed to one of these roles.

As was noted at the last meeting, there is no requirement to pay allowances to co-opted members and it is left to authorities to decide if they should be paid.

In respect of expenses it is clear from the Grant Claim Schedule that it is acknowledged that there will be some expenses incurred by Panel members. The grant Claim for Lancashire provides for up to £920 per member i.e. up to £16,560 per annum

To date the Panel has regularly underspent on this budget as it has primarily been used to reimburse attendance at external training events.

As reported in July 2018, since the earlier considerations of this matter by the Police & Crime Panel, a survey was undertaken by Frontline Consulting Associates. The result of their survey completed in January 2018 highlighted a practice that some Panels are clearly funding the payment of at least some allowances/expenses from the Home Office Grant whereas other were not. Payment from the grant for elected Panel Members would be `at odds' however with the Guidance produced above by the LGA in May 2012.

In November 2018, the Vice Chair and Panel Support Officer attended the Annual NAPFCP Conference and made enquiries as regards the current position and will report back to this meeting.

Enquiries have also been made of the Home Office as regards the definition of `expenses' as set out in Schedule 1 of the Grant Agreement by Blackburn with Darwen Borough Council as the `host authority'. A response is awaited.

It is proposed that pending confirmation that any payments could be reimbursed from the Home Office Grant any proposals for changes to the Panel's existing

practice for the payment of expenses/allowances be deferred until a future meeting.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police Reform and Social Responsibility Act 2011 provides that the Secretary of State may provide financial and other resources to Members of the Police and Crime Panels in connection with the exercise of their functions. Paragraph 1 above sets out the extract from Guidance that relates to the matter.

Financial Implications

On 18th July a letter was sent to administering authorities (in the Lancashire Panel case – Blackburn with Darwen Borough Council in respect of the 2018/19 grant arrangements. This states that there will be £53,300 for administration costs for the Panel. In addition, £920 will be made available per member of the panel (including additional co-optees) for expenses.

Risk management

The provision of effective scrutiny by the Police and Crime Panel is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011. The scrutiny role is increasing and the impact upon Panel Members should be reflected in the allowances made to Panel members.

Local Government (Access to Information) Act 1985

List of Background Papers

The LGA document: "Panel arrangements and the balanced appointment objective" dated May 2012

Agenda item

Police and Crime Panel

Meeting to be held on 10th December 2018

TASK AND FINISH GROUPS UPDATE

Contact for further information:

Phil Llewellyn (01254) 585369 phil.llewellyn@blackburn.gov.uk

Executive Summary

This report sets out the current position with regard to the work undertaken to date by the two Task and Finish Groups due to report to this meeting of the Panel in accordance with the timescales agreed in the Forward Plan.

Recommendation

That the update provided by the Chairs of the Task and Finish Groups be noted.

Background and Advice

As the Panel will recall, the following Task and Finish Groups have been set up for 2018/19, with membership as follows:

Contact Centre

Lead Member - David Whipp
Ken Hind
Salim Sidat

Victim Services

Lead Member – TBC
Margaret Foxley
Brian Rollo
Adrian Lythgoe

Frontline Policing

Lead Member – Roger Berry
David Whipp
Munsif Dad
Brian Rollo

Mental Health

Lead Member – Abdul Mulla
Kevin Wright
Caroline Moon

The Task and Finish Groups due to report to this meeting are the Contact Centre and Victim Services Task and Finish Groups.

To date, Members of the Contact Centre Task and Finish Group have been offered the following dates to meet with ACC Woods:

- Tuesday 16th October 2018
- Wednesday 17th October 2018
- Thursday 8th November 2018
- Thursday 15th November 2018

A meeting was held on Wednesday 17th October with Superintendent Richard Robertshaw as ACC Woods was unable to attend due to other commitments.

To date, Members of the Victim Services Task and Finish Groups have been offered the following dates to meet with ACC Edwards:

- Thursday 18th October 2018
- Friday 19th October 2018
- Friday 26th October 2018
- Monday 5th November 2018
- Friday 9th November 2018
- Monday 12th November 2018

A meeting was held on Monday 12th November 2018 with ACC Edwards and Robert Ruston.

Further details will be provided at the meeting by the Chairs of both Task and Finish Groups.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

N/A

Financial Implications

There are no direct financial implications arising from this report.

Risk management

N/A

Local Government (Access to Information) Act 1985

List of Background Papers

<u>Paper</u>	<u>Date</u>	<u>Contact/Directorate/Tel</u>
Forward Plan 2018/19	September 2018	Phil Llewellyn HR, Legal & Corporate Services 01254 585369

Agenda item

Police and Crime Panel

Meeting to be held on 10th December 2018

MONITORING OF COMPLAINTS

Contact for further information:

David Fairclough (01254) 585642 Secretary Lancashire Police & Crime Panel,
david.fairclough@blackburn.gov.uk

Executive Summary

This report sets out the current position with regard to communications relating to potential complaints received up to 28th November 2018 in relation to the Police and Crime Commissioner.

Recommendation

That the update in relation to communications and complaints be noted.

Background and Advice

Since the commencement of the Panel in 2012 there have now been 63 recorded communications which at the outset were described by the complainants as complaints against the Police & Crime Commissioner, and 54 outcomes have been reported to previous meetings.

Many of these communications as reported previously however did/do not relate directly to the conduct of the PCC and therefore do not, under the terms of the governing regulations come under the jurisdiction of the Police & Crime Panel.

Many communications received focus on the alleged conduct of police officers or the chief constable, and these are matters for which there are other complaints processes and appropriate authorities to deal with such matters. There have been four (56), (57), (58) & (61) further communication of this nature recently.

Outstanding from the report to the last meeting was one complaint (44). This was the subject of a Police & Crime Panel Complaints Sub Committee meeting on 19th September 2018 when the matter was concluded with advice to both parties as regards resolving their differences.

A further three complaints (59), (62) & (63) have been made to the Secretary, however further information is awaited from the complainants before the matters can be considered further in accordance with approved Complainants Procedure.

One complaint recently received (60) requires the Secretary to receive external advice prior to proceeding to consider in accordance with the approved procedure. An update on this complaint will be provided at the next meeting.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The procedures adopted by the Panel comply with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011 for the handling of complaints and matters concerning the conduct of the holders of the office of Police and Crime Commissioner.

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 requirement to monitor and record complaints against the PCC and DPCC is in accordance with the provisions of The Elected Policing Bodies (Complaints and Misconduct) Regulations 2012.

Local Government (Access to Information) Act 1985

List of Background Papers

<u>Paper</u>	<u>Date</u>	<u>Contact/Directorate/Tel</u>
Agenda and Minutes from	November 2012	David Fairclough HR, Legal & Corporate Services 01254 585642

Agenda and Minutes from July 2014

David Fairclough
HR, Legal & Corporate
Services
01254 585642

Agenda and Minutes from March 2016

David Fairclough
HR, Legal & Corporate
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