

## AGENDA ITEM

### REPORT TO CLEVELAND POLICE & CRIME PANEL

15 NOVEMBER 2017

### REPORT OF DIRECTOR OF ADMINISTRATION, DEMOCRATIC AND ELECTORAL SERVICES

## POLICE & CRIME PANEL - INFORMATION REQUIREMENTS

### PURPOSE

This report reminds Panel Members of the role of the various crime and disorder bodies, their relationship to each other and, within this context, reviews the information that the Police and Crime Panel (PCP) receives to enable it to fulfil its role.

### DETAIL

1. Discussion has taken place at recent Police and Crime Panel meetings about the level of detail routinely presented to Members in the quarterly performance report.
2. Unlike other scrutiny bodies (which are also referred to in this report), the Police and Crime Panel has very distinct functions.

### Police and Crime Panel Role

3. The PCP exists to scrutinise the PCC, to promote openness in the transaction of police business and to support the PCC in the exercise of their functions. Functions include:
  - Contributing to the development of the PCCs Police and Crime Plan (on which it is a statutory consultee)
  - Scrutinising the PCC
  - Reviewing the PCCs proposed precept
  - Reviewing the PCCs proposed appointments
  - Making reports and recommendations on matters relating to the PCC
  - Carrying out investigations into decisions made by the PCC
  - Making comments on the PCCs annual report
4. The performance report that is presented is intended to provide Members with an appropriate level of information and evidence to enable the Panel to scrutinise the PCC.
5. At each Police and Crime Panel meeting, Members receive a report which provides an update on performance associated with the delivery of the Commissioner's objectives, the wider aspects of the Police and Crime Plan and the Commissioner's statutory responsibilities:
  - Investing in our Police
  - A Better Deal for Victims and Witnesses
  - Tackling Re-offending
  - Working Together to Make Cleveland Safer
  - Securing the Future of our Communities

6. The information focuses on an agreed suite of performance indicators and key diagnostic indicators. Additional information is also provided to establish the context of the information presented.
7. The report also sets out how the PCC has scrutinised the Force through the Commissioner's standards and scrutiny programme and sets out the issues covered at Scrutiny, Performance and Delivery meetings, Working Together meetings and other groups and meetings which complement his scrutiny programme.
8. The Panel has the right to any information which it may reasonably require to carry out its functions, with some minor exceptions. However, it is important that, for the Panel to be effective in discharging its role, the information that it requests should enable it to focus on scrutinizing the PCC rather than scrutinizing the Police which is the responsibility of the PCC himself.
9. The statutory role of the Panel is complementary and distinct from other statutory crime and disorder bodies set out in more detail at **Appendix 1**. In summary:

- **Community Safety Partnerships (CSP)** work together to protect their local communities dealing with local issues such as antisocial behavior, drug or alcohol misuse and reoffending. They annually assess local crime priorities and consult partners and the local community about how to deal with them.

CSPs are held to account by the relevant Local Authority's designated Crime and Disorder Scrutiny Committee.

The detailed performance information and data presented to Community Safety Partnerships reflects the depth and breadth of their work and a flavour of their work and the information that they receive across Cleveland is also set out in Appendix 1.

- **Local Authority Overview and Scrutiny (OSC)** was given powers by the Police and Justice Act 2006 to investigate work being undertaken by Community Safety Partnerships. The power relates to the work of the partnership as a whole rather than a power to scrutinize individual partners (e.g. the Police). Power to scrutinize the Police rests with the Police and Crime Commissioner who is in turn held to account by the Police and Crime Panel.

Local Authorities are required to designate an OSC as the "Crime and Disorder" Committee.

The performance information they receive reflects their statutory role in holding the local CSP to account. OSCs also conduct investigations into topics of interest or public concern. Information and attendance can be required from one of the named responsible Authorities on the CSP.

- **Cleveland Joint Independent Audit Committee** is responsible for enhancing public trust and confidence in the governance of the Office of the PCC and Cleveland Police. It also assists the PCC in discharging statutory responsibilities in holding the Police Force to account. Terms of Reference are set out at Appendix 2.

**Contact Officer:** Margaret Waggott  
**Job Title:** Assistant Director of Administration, Democratic and Electoral Services  
**Tel:** 01642 527064  
**Email:** [margaret.waggott@stockton.gov.uk](mailto:margaret.waggott@stockton.gov.uk)

## **Community Safety Partnerships**

### ***Role***

Community safety partnerships (CSPs) are made up of representatives from the 'responsible authorities', including:

- police
- local authorities
- fire and rescue authorities
- probation service
- health

CSPs were set up under Sections 5-7 of the Crime & Disorder Act 1998 to work together to protect their local communities dealing with local issues such as antisocial behaviour, drug or alcohol misuse and reoffending. They annually assess local crime priorities and consult partners and the local community about how to deal with them.

CSPs are not bound by Schedule 12A of the Local Government Act 1972 (as amended) and are therefore not public meetings. This does not prevent CSPs publishing meeting agendas and some supporting documents although there is no requirement to do so.

CSPs are held to account by the relevant Local Authority's designated Crime and Disorder Scrutiny Committee.

### ***Information Received***

The detailed performance information and data presented to Community Safety Partnerships reflects the depth and breadth of their work as summarized below.

#### ***Stockton***

Safer Stockton Partnership meets every six weeks and receive a standing agenda item on performance monitoring for crime and disorder. This report includes information from the beginning of the current financial year to date. It is a restricted paper that provides an overview on a variety of datasets available recorded by Cleveland police. Within this it also includes a comparison of other CSPs and this information is obtained through IQUANTA, this provides a more accurate picture of how the Partnership is performing against the most similar Partnerships rather than to our Tees Valley Neighbours.

The report includes national comparisons, along with specific updates on total crime, domestic related crime, hate crime, fire statistics and an overview of anti-social behaviour.

Other performance data shared on a quarterly basis are monitoring reports that update on progress of targets set; these cover the Community Safety Plan 2017-20, The DAAT Report and YOT Report. These documents are not restricted.

Annually the partnership receives a full copy of the Restricted Partnership Strategic Assessment. Community Safety Partnerships have a statutory requirement to produce a PSA, along with a Community Safety Plan and a Joint Strategic Needs Assessment.

### *Hartlepool*

Safer Hartlepool Partnership receives a quarterly performance report based on the four strategic objectives:

- Reduce crime and repeat victimisation
- Create confident, cohesive and safe communities
- Reduce the harm caused by drug and alcohol misuse
- Reduce offending and re-offending

Performance and key findings are reported against key performance indicators on an exception basis with detailed commentary.

Detailed analysis of performance is considered annually as part of the Strategic Assessment which informs the three year refresh of the Community Safety Plan.

### *Redcar and Cleveland*

The Redcar CSP received detailed crime management information relating to the partnerships three priorities which include:

- Reducing Anti-social behaviour and associated incidents
- Reduce harm caused by violence and substance misuse
- Reduce offending and re-offending in particular relating to acquisitive crime

Statistics are also supplied in relation to positive outcomes and a summary of activity carried out by the Community Safety Groups (three geographical areas).

### *Middlesbrough*

Middlesbrough CSP meet bi-monthly and receive a performance report dealing with crime and disorder across Middlesbrough. This report compares performance to the previous month and year and provides commentary.

The Strategic Assessment is considered each year and includes more detailed performance information and local and national comparisons.

## **Local Authority Overview and Scrutiny**

### ***Role***

The Police and Justice Act 2006 brought in powers for Local Authority overview and scrutiny committees to investigate work being undertaken by Community Safety Partnerships.

The power relates to the work of the partnership as a whole rather than a power to scrutinize individual partners (e.g. the Police). Power to scrutinize the Police rests with the Police and Crime Commissioner who is in turn held to account by the Police and Crime Panel.

Local Authorities are required to designate an Overview and Scrutiny Committee (OSC) as the "Crime and Disorder" Committee.

Statutory guidance is also contained in the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

Scrutiny meetings are public meetings and are bound by Schedule 12A of the Local Government Act 1972 (as amended) – Information and attendance by the public can only be excluded under specific categories of exempt information (Annex 1).

Key Provisions in the Act and Guidance include:

- Local Authorities are required to designate an OSC as the “Crime and Disorder” Committee with responsibility for the “responsible authorities” (CSP partners)
- Crime and Disorder Councillor Call for Action (CCfA) enables any Councillor to refer any C&D matter to the Committee
- Recipients of reports/ recommendations must consider and respond to them and “have regard” to them in exercising its functions
- Can co-opt a representative from a “responsible authority”
- Must meet once a year at least (the annual overview meeting of the Crime and Disorder Select Committee fulfils this statutory requirement).
- Information must be provided to the committee by the responsible authorities by the date indicated or “as soon as reasonably possible”. This information should be depersonalized; an exemption applies for information which might prejudice legal proceedings
- Attendance of an officer/employee of a responsible authority can be required (but reasonable notice must be given)
- Responses to reports/ recommendations of the committee must be in writing and within 28 days

### ***Information Presented***

Information presented to the Local Authority OSCs reflects focus on the performance of the local CSPs and holding the CSP, as a whole, to account. Information received across Cleveland is summarized below:

#### *Stockton*

An annual meeting is arranged which receives an update on progress in relation to the Community Safety Action Plan and the Partnership’s Strategic Assessment. The meeting is attended by the Chair of the Partnership, the relevant Cabinet Member, Council Officers and the police. In depth reviews focus on specific issues in more detail.

#### *Hartlepool*

The designated Committee receives the CSPs:

- Strategic Assessment
  - Community Safety Plan
  - Quarterly performance monitoring reports against the Community Safety Plan objectives
- Again, in depth reviews focus on specific issues in more detail.

#### *Redcar and Cleveland*

The designated OSC receives quarterly performance reports against the priorities contained in the Community Safety Plan. The Chair of the Community Safety Partnership attends these meetings. It receives information on the Strategic Intelligence Assessment on an annual basis and is also consulted on the Community Safety Plan.

## *Middlesbrough*

The Culture and Communities Scrutiny Panel receives information on how the CSP is performing against its key priorities on an annual basis. The report compares performance against previous years.

## Exclusion of Access by the Public to Meetings

### Confidential Information – Requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed to them in breach of the obligation of confidence.

### Exempt Information – Discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed to them.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms (however expressed) which forbid its public disclosure or information which cannot be publicly disclosed by virtue of or under any enactment or by Court Order, and in either case a reference to the obligation of confidence is to be construed accordingly. In the event of any dispute or disagreements as to whether information is confidential within this context, the interpretation of the Council’s Monitoring Officer, will be final, as will the Monitoring Officer’s decision as to whether information has ceased to be confidential.

### Meaning of Exempt Information

Exempt information means information falling within the following 9 categories (subject to any condition):

| Description of Exempt Information                                       | Qualification  |
|---|--|
| All categories (1-9) of otherwise exempt information                    | Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.* |
| 1. Information relating to any individual                               | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.  |
| 2. Information which is likely to reveal the identity of an individual. | Exempt information if and so long, as in all the circumstances of the case, the public interest  |

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|--|---|
|  | in maintaining the exemption outweighs the public interest in disclosing the information.   |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information) | <p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:-</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985</li> <li>(b) the Friendly Societies Act 1974</li> <li>(c) the Friendly Societies Act 1992</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>(e) the Building Societies Act 1986</li> <li>(f) the Charities Act 1993</li> </ul> |



## AUDIT COMMITTEE - TERMS OF REFERENCE

### Composition of the Committee

The Audit Committee comprises 5 members who are independent of the Office of the PCC and Cleveland Police. The executive of the Office of the PCC and the Command Team of the Police Force are required to be represented at each meeting of the Committee.

### Quorum of the Committee

No business shall be transacted at the meeting of the Audit Committee unless at least 3 Members of the Committee are present.

### Press and Public

The Public shall be admitted to all meetings of the Audit Committee unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.

A member of the public will not be permitted to speak or ask questions at the meeting except with the consent of the meeting chair.

### Exclusion of Public Access

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Confidential information means information given to the PCC or CC by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Items will be considered '**Below the Line**' or 'not for publication' when they contain exempt information as defined by schedule 12 of the Local Government Act 1972.

### Purpose

The Audit Committee is responsible for enhancing public trust and confidence in the governance of the Office of the PCC and Cleveland Police. It also assists the PCC in discharging statutory responsibilities in holding the Police Force to account. This is achieved by;

- Advising the OPCC and Chief Constable of Cleveland Police according to good governance principles
- Providing independent assurance on the adequacy and effectiveness of the OPCC and Cleveland Police internal control environment and risk management framework.
- Overseeing the effectiveness of the framework in place for ensuring compliance with statutory requirements (and in particular those in respect of health and safety and equalities and diversity.)
- Independently scrutinising financial and non-financial performance to the extent that it affect the OPCC and Cleveland Police exposure to risks and weakens the internal control environment
- Overseeing governance and monitoring of governance within the organisation.
- Overseeing the financial reporting process

To aid the Committee in delivering its purpose and objectives the PCC will make available funds for the Committee to take independent legal and financial advice where the Committee deems it is reasonably necessary to do so. Where the Committee deems this advice is

necessary it should be discussed and coordinated with the PCCs Monitoring Officer and the Chief Finance Officers of the PCC and CC.

### **Objectives**

The Audit Committee meets at least four times a year (March, June, September, December) and in effectively discharging its function is responsible for:

### **Internal Control Environment**

- Satisfying itself as to the effectiveness of the internal control framework in operation within the Office of the PCC and Cleveland Police and advising the PCC and Chief Constable of Cleveland Police as appropriate.
- Considering the Annual Governance Statement for publication with the annual accounts, together with associated action plans for addressing areas of improvement and advising the PCC as appropriate.

### **Corporate Risk Management**

- Approving the Office of the PCC and Cleveland Police corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the Office of the PCC and Cleveland Police.
- Considering the financial risks to which the Office of the PCC and Cleveland Police are exposed and approving measures to reduce or eliminate them or to insure against them.
- Providing assurance to the PCC and Chief Constable of Cleveland Police as appropriate on the effectiveness of the risk management framework in operation.
- Provide oversight and scrutiny of the risk registers of both the PCC and Chief Constable

### **Regulatory Framework**

- Maintain an overview of the governance framework in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- Maintain an overview of the work of the Force's Professional Standards Department in relation to an overview of the number and types of complaints.
- To review any issue referred to it by the Statutory Officers of the PCC and Chief Constable and make recommendations as appropriate.
- To monitor the policies of both the PCC and Chief Constable on 'Raising Concerns at Work', anti-fraud and corruption strategy and complaints process.

### **Internal Audit**

- Advising the PCC and Chief Constable of Cleveland Police on the appropriate arrangements for internal audit, the appointment of the Internal Auditors and approving the Internal Audit Strategy.
- Approving the internal audit annual programme.
- Overseeing and giving assurance to the PCC and Chief Constable of Cleveland Police on the provision of an adequate and effective internal audit service; receiving progress reports on the internal audit work plan and ensuring appropriate action is taken in response to audit findings, particularly in areas of high risk.

- Considering the Head of Internal Audit Annual Report and annual opinion on the internal control environment for the Office of the PCC and Cleveland Police; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of Office of the PCC and Cleveland Police on fraud, irregularity and corruption.

#### **External Audit**

- Advising the PCC and Chief Constable of Cleveland Police on the appointment of external auditors.
- Approving on behalf of the PCC and Chief Constable of Cleveland Police the external audit programme and associated fees
- Reviewing the external auditor's Annual Completion Report and any other reports; reporting on these to the PCC and Chief Constable of Cleveland Police as appropriate and including progress on the implementation of agreed recommendations.
- Reviewing District/External Auditor's Annual Audit Letter and making recommendations as appropriate to the PCC and Chief Constable of Cleveland Police.

#### **Financial Reporting**

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the PCC or CC, any concerns or issues.
- To consider whether appropriate accounting policies have been followed and any changes to them.

#### **Inspection and Review**

- Considering HMIC, external review agencies and any internal inspection reports that provide assurance on the internal control environment and/or may highlight governance issues for the Office of the PCC and/or Cleveland Police.

#### **Complaints**

- Maintain an overview of Force complaints including dip sampling.
- Maintain an overview of complaints against the Office of the Police and Crime Commissioner and its staff and act as the appeals body when required.

#### **Freedom of Information**

- Act as the review body for Freedom of Information appeals

#### **Civil Claims**

- Maintain an overview of Civil Claims

#### **Information Governance**

- Review Corporate Strategy, policies and procedures in relation to Information Governance for both the PCC and CC.
- Review reports from the Senior Information Risk Owner (SIRO), of both the PCC and CC, relating to the implementation of the corporate strategy, compliance with Data Protection Act and other information Governance related legislation.
- Consider any implications for governance and the annual governance statements of both the PCC and CC from issues in this area.