

Avon and Somerset Police & Crime Commissioner - Summary of Statutory Compliance - as of November 2013

Statement of key PCC and OPCC responsibilities from the Police Reform and Social Responsibility Act 2011 and other key legislative requirements.

Please note: this list is not exhaustive.

Statutory reference	Function	Outline	Status/Outcome
s1(6)	Oversight	Secure the maintenance of an efficient and effective police force for that area	Attendance at key meetings run by OCC COG and that relate to the PCC's priorities or matters of higher risk, sensitivity or budget implications. Run regular portfolio meetings with COG lead in key areas - Finance, HR, Performance, Local Policing, Equalities, Criminal Justice, Specialist Operations and Professional Standards. Oversight of OCC's Change Program, Operating Model changes and ADAPT program to make optimal use of new PFI estate. Set OCC budget and agree savings plans.
s5	Strategic Planning	Set the strategic direction and objectives of Avon & Somerset Constabulary through the Police & Crime Plan	The PCC issued her statutory plan in March 2013, alongside six district level non-statutory plans for each of the area's policing districts. The plan also includes a series of objectives against which progress will be monitored and reported. The plan sets out the PCC's strategic priorities for tackling and reducing ASB, domestic and sexual violence and burglary and putting victims at the heart of the criminal justice system. Assess local needs and produce annual combined Needs Assessment for A&S with localised plans for the regions in A&S. Ensure Police & Crime plan sets resources aside to tackle national priorities such as serious and organised crime and the exploitation of adults and children and mental health issues for policing.
s5(9)	Strategic Planning	Review the police and crime plan, particularly in the light of: (i) any report or recommendations made by the police and crime panel; and (ii) any changes in the strategic policing requirement	Brief Panel on P&C Plan and Attend Panel meetings - update to plan as required. Policy development and scrutiny of PCC priority areas: ASB, violence against women and children, domestic burglary, victims and roads policing. Attend APCC and APACE events and contribute to national issues. Establish additional work as required e.g. Business Crime, Rural Crime, Road Safety, Out of Court Disposals, Sec 136.

Statutory reference	Function	Outline	Status/Outcome
s1(7)	Holding to account	Hold the chief constable to account for: the functions of the chief constable, and of persons under the direction and control of the chief constable.	PCC and CC - weekly meetings and ad hoc meetings, public forums, OPCC and COG joint meetings.
s1(8)(a)	Oversight	the exercise of the duty to have regard to police and crime plan	Holding Chief and senior officers to account for delivery of the plan in 1:1 meetings, public forums, COG/PCC meetings, portfolio lead meetings and via scrutiny of performance data and victims outcomes and satisfaction.
s1(8)(b)	Oversight	the exercise of the duty to have regard to strategic policing requirement	Attend Specialist Operations leadership Board, other relevant meetings and oversight of ROCU.
s1(8)(c)	Oversight	the exercise of the duty to have regard to codes of practice issued by Secretary of State	APCC and APACE briefings, meetings and notes. Policy lead as required from OPCC team.
s1(8)(d)	Oversight	the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons	Attend Commissioning Board, promote Integrated Services programme, oversight of SW1 arrangements
s1(8)(e)	Oversight	the effectiveness and efficiency of the chief constable's arrangements for engagement with local people	Holding the Chief Constable to account for engagement via COG/PCC meetings, public forums and portfolio update with local policing and partnerships chief officer. Scrutiny and development of approach through OPCC officer lead on engagement change programme
s1(8)(f)	Oversight	the extent to which the chief constable achieves value for money	Finance portfolio meetings, VFM benchmarking, internal and external audit
s1(8)(g)	Oversight	the exercise of duties relating to equality and diversity	Monitored by Professional Standards, Equalities and HR portfolio meetings.
s1(8)(h)	Oversight	the exercise of duties in relation to the safeguarding of children and the promotion of child welfare	Hold to CC account via PCC / CC weekly update meetings as appropriate. Scrutiny via portfolio update meetings with chief officers and regular meetings with Head of Public Protection Unit.
s9	Partnership working	Make a crime and disorder reduction grant to any person	PCC established approach for commissioning and grant giving - Avon and Somerset wide commissions undertaken centrally via OPCC, large local grants allocated in partnership with community safety partnerships, small grants (up to £5,000) awarded via action fund. See published Commissioning Strategy.
s10(1)	Partnership working	Have regard to the relevant priorities of each responsible authority	Needs Assessment and Police and Crime Plan developed working with responsible authorities. PCC and lead officers attend all community safety partnership meetings, CJB and sub-groups and as required Health and Wellbeing Boards.

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s10(2) (CDA Regs)	Partnership working	Act in co-operation with responsible authorities	As above , plus on-going individual and group meetings at PCC / Leader level, CEO / CEO and lead officer / lead officer level to further cooperation. Growing examples of integrated work in relation to co-location and commissioning - see Integrated Services Programme.
s10(3)	Partnership working	Make arrangements with criminal justice agencies for the exercise of functions so as to provide an efficient and effective criminal justice system for the area	Build, lead and influence effective and joined-up partnerships with local community safety, victims, criminal justice, volunteer and youth groups. The 2013-17 Police & Crime Plan set out the PCC's commitment to working in partnership with communities and statutory and non-statutory agencies to deliver shared outcomes, particularly in recognition of the PCC's broader role with regard to Community Safety and the wider Criminal Justice system. The PCC has held a series of introductory meetings with Chairs and lead officers of the new Health & Wellbeing Boards in addition to discussions with local Clinical Commissioning Groups. PCC and CEO attend local and regional Criminal Justice Boards and have agreed LCJB strategy.
s22A/23 PA'96 as inserted by s89; sch12	Partnership working	Enter into collaboration agreements	Seek and implement collaboration where this will enhance services and prove value for money e.g. TriForce, SW1, Zephyr, Brunel, Forensics, procurement etc.
s22C/23 PA'96 as inserted by s89; sch12	Partnership working	Keep collaboration agreements under review	Scrutinised at Specialist Operations portfolio meetings and SW1 review meetings.
s26 PA'96 as amended by para 25 sch16	Partnership working	Provide advice and assistance to a body outside the UK	Applications for any overseas deployment are considered by OPCC.

Statutory reference	Function	Outline	Status/Outcome
s38 and sch8 (Regs)	People	Appoint, manage complaints regarding, suspend and remove the chief constable	Following the resignation of Colin Port in December 2012, the PCC appointed Nick Gargan as the area's Chief Constable on 14 January 2013. Consider complaints against the Chief Constable. Run a residents panel to provide independent scrutiny of professional standards and complaints handling and regular scrutiny of portfolio meetings.
sch1 para6 to 8	People	Appoint a chief executive and chief finance officer (and may appoint other staff, including a Deputy PCC)	CEO and CFO in post. CEO is also the Monitoring Officer. CFO undertakes the statutory role of the chief financial officer to the PCC for the purpose of section 151 of the Local Government Act 1972, sections 112 & 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003.
s11	Information and Engagement	Publish specified information in the time or manner specified	Run a transparent and informative web site and service for residents.
s12	Information and Engagement	Produce an annual report	Produce an annual report outlining activity and progress against the Police & Crime plan.
s13	Information and Engagement	Provide the police and crime panel with any information which the panel may reasonably require	On-going.
s96(1) and (2) PA'96 as amended by s14	Information and Engagement	Make arrangements for obtaining the views of people about matters concerning the policing of the area	Engage and consult with residents - attend events, community groups, public forums, weekly out and about days and partners' events. Run effective consultations and capture views from residents on issues like the plans and budget. Respond to circa 4,000/annum incoming contacts, FOI's and complaints.
s96(1) and (2) PA'96 as amended by s14	Information and Engagement	Make arrangements for obtaining their co-operation with the police in preventing crime and anti-social behaviour in that area;	PCC commitment to continuing and improving have your say (i.e. PACT process), neighbourhood watch, farm watch etc. Regular PCC attendance at these forums to promote this method of working and to dip sample process to check for effectiveness
s96(1) and (2) PA'96 as amended by s14	Information and Engagement	Make arrangements for obtaining the views of victims of crime in that area about matters concerning the policing of that area.	Victims services consultation, victim respondents actively recorded during police and crime plan consultation and analysed for trends

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s96(1B) PA'96 as amended by s14	Information and Engagement	Make arrangements for obtaining the views (a) the people in that police area, (b) the relevant ratepayers' representatives on the proposals of the police and crime commissioner for expenditure before the first precept for a financial year is issued by the police and crime commissioner	The PCC and her OPCC team spoke face to face with over 1,500 council tax payer residents between May 2013 and September 2013 as part of the PCC's program of face-to-face dialogue at community events over the summer. General population survey of over 1,500 people (representative telephone survey), plus OPCC led questionnaire. On-going engagement with business communities.
s1 Local Authorities (Goods and Services) Act 1970; s15	Finance	Enter into agreements for supply of goods and services	Set and manage standing orders and financial regulations for the effective management of public funds in contracts, new investments, asset purchases, new business cases, reorganisations, delegated responsibilities etc.
s21 (Pension Regs)	Finance	Keep the police fund	Agree Constabulary budget and monitor its deployment. Oversee budget reductions to meet central government funding cuts. Set and scrutinise delivery of savings targets with the OCC from the constabulary change program and other savings targets such as procurement. Set OPCC budgets.
s46 PA'96 as amended by s24/25	Finance	Receive grants for police purposes, capital expenditure, national security grants, grants from local authorities. Accept gifts or loans. Borrow monies	Have oversight and approval of major contracts and investments.
s39 Local Government Finance Act 1992 as amended by s26 and sch5 (Regs)	Finance	Set council tax precept level.	The PCC maintained her election pledge to freeze the council tax precept at £168 for an average band D property in 2013/14 based on extensive public feedback during her campaign. This was the same level as for 2011/12 and 2012/13 and resulted in the award of a Government grant equivalent to 1% council tax increase each year. The precept level in A&S is in line with the average for all policing areas across England.
s40 Local Government Finance Act 1992	Finance	Decide the police budget, allocate assets and funds to the Chief Constable.	Finance Portfolio meeting Land acquisitions submitted for approval PCC. Capital asset delegated to the Force Estates Team supported by SW1 Estates Team. Monitored at Joint Finance portfolio meetings.

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s155 Local Government and Housing Act 1989 as amended by s27	Finance	Receive emergency financial assistance	As and when. Special Grant applications submitted in relation to the RDA (Riot Damages Act). Special Grant for the Nuclear programme for policing for Hinkley Point. Tracked through Joint Finance meetings.
sch1 para 14	Finance	Do anything calculated to facilitate the exercise of their functions, including: entering into contracts and other agreements acquiring and disposing of property (including land) borrowing money	Oversight and approval of claims settlements against OCC or OPCC. Set and manage appropriate reserves. Standing Orders and Financial regulations
sch1 para 14	Finance	Manage treasury functions and adhere to codes of best practice and prudential code to safeguard public money. Run an effective internal audit function. Appoint an effective audit committee. Produce annual statutory accounts.	Treasury Management Strategy published. Accounts published.
sch1 para 14	Finance	Administer Home Office and legal requirements - Stage 2 transfer. Fraud reports, inspections...	SLT meetings and Stage 2 Board.
	Commissioning	The Police Reform and Social Responsibility Act 2011 provided Commissioners with the ability to make crime and disorder reduction grants and commission services.	Commission community safety services, victim services, drug referral services, youth services (£2.5m plus est £1m for local victim services). Agree scope, need, supplier landscape and outcomes required. Measure achievement of outcomes and performance of those commissioned. Run the PCC's community action fund (£200k)
s6 Police Act 1996	Efficiency & effectiveness, Continuous Improvement	To secure the maintenance and delivery of effective and efficient policing for its area.	On-going work of the PCC/COG portfolio meetings.

Statutory reference	Function	Outline	Status/Outcome
s2 Health & Safety at Work Act 1974 and Police (Health & Safety) Act 1997	Health & Safety	PCC to discharge the duty for the health & safety of police staff and OPCC staff, and ensure that the chief officer likewise discharges his duties as an employer	Monitor via HR portfolio meetings and representation at Health & Safety Executive meetings.
Freedom of Information Act 2000 and Data Protection Act 1998	Data Protection	Comply with the requirements of the Data Protection and Freedom of Information Acts	Managed by the Corporate Information Management Team for the Force and by the CEO and Office Manager for the OPCC. Attend Strategic Information Management Board for oversight.
s15 Police Reform Act 2002 as amended The PRSR Act sch14 para7 amends section 15 of the Police Reform Act 2002 by adding the power	Standards/ Complaints	The power to intervene: Where it appears to a local policing body that the chief officer of the force he or she maintains has not complied with an obligation under Part 2 of the Police Reform Act 2002 or has contravened an obligation, the local policing body may direct the chief officer to take whatever steps the local policing body thinks appropriate. The chief officer must comply with any directions given in such circumstances by the local policing body.	Access to Centurion complaints handling database to have oversight of current complaint cases; Dip sampling completed complaint files with the Independent Residents' Panel; Review of complaint files and the final letter when complainants appeal against the local resolution outcome.; Regular one-to-one meetings between the PCC and Chief Constable.
P25(4) (C) The Police (Conduct) Regulations 2012	Standards/ Complaints	Comply with the requirements, regarding independent persons to sit on misconduct panels, of Regulation 25(4)(c): a person selected by the appropriate authority from a list of candidates maintained by a local policing body for the purposes of these Regulations.	A list of independent persons to sit on Misconduct hearing panels is maintained by the PCC and provided to the Constabulary, which includes the shared, regional list.

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The Police (Conduct) Regulations 2012; S13/Schedule 13 The Police Reform and Social Responsibility Act 2011	Standards/ Complaints	The PCC is responsible, as the 'appropriate authority', for handling complaints against the Chief Constable (or acting Chief Constable).	Delegated to the CEO. Flowchart and procedures in place.
Police Act 1996, s83 & s87. Police Reform Act 2002 s14(2) & s15(2)	Standards/ Complaints	Monitoring the work of their local Constabulary's PSD and monitoring the Constabulary's recordable complaints procedures - both conduct and 'direction and control' - and working with the Constabulary to improve relevant processes.	Monthly Professional Standards Portfolio meetings with DCC and Head of PSD; Regular meetings with Head of PSD and CEO; Creation of Independent Residents' Panel (IRP) for dip sampling completed complaint files.
Police Act 1996, s83 & s87. Police Reform Act 2002 s22	Standards/ Complaints	Ensuring that the lessons learnt from complaints and claims lead to improvements in service; having regard to any guidance issued by the Home Secretary or the Independent Police Complaints Commission (IPCC) on complaints or disciplinary matters	Regular meetings between the PCC and Deputy Chair of IPCC;
Police Reform Act 2002 s17	Standards/ Complaints	Adhering to the powers of the Independent the IPCC, providing all information required.	Referrals will be made, as appropriate.
Police Reform and Social Responsibility Act 2011 p47 of sch 16 which amends Police Act 1996 p 2(1) of schedule 6.	Standards/ Complaints	Administration of Police Appeal Tribunals, including arrangements for a Panel Chair and Panel members.	Procedures in place.

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The Elected Local Policing Body (Complaints and Misconduct) Regulations 2011, part 4	Standards/ Complaints	Delegated by the Police and Crime panel in the first instance to the CEO: To handle complaints and conduct matters against the PCC or Deputy PCC (DPCC)	Protocol in place, jointly agreed by PCC and Police and Crime Panel.
Within the meaning of section 31 of the Police Reform and Social Responsibility Act.	Standards/ Complaints	The PCC is required to publish a statement of the PCC's policy in relation to the conduct of relevant office holders (PCCs and DPCCs), including the procedures for the handling of 'qualifying complaints' and 'conduct matters' against the PCC and DPCC	Policy published.
Part 1, 1f of the Elected Local Policing Bodies (Specified Information) Order 2011)	Standards/ Complaints	the PCC is required to publish the number of complaints or conduct matters that have been brought to the attention of the PCC or DPCC by the PCP	Provided to the Police & Crime Panel for each meeting. On-going.
The elected Local Policing Bodies (specified info) order 2011 SI 3050, part 1, 2(e)	Standards	Publish PCC's expenses and publish register of gifts and hospitality: 2(e) a register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused.	Monthly registers uploaded to PCC website.
Freedom of Information Act 2000	Standards	Publish, as soon as practicable, Freedom of Information request responses	Published FOI Q&As online.

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The elected Local Policing Bodies (specified info) order 2011 SI 3050, part 1, 1(e)	Standards	Publicly declare all disclosable interests: 1(e): a register of interests of relevant office holders, including every paid employment or office or other pecuniary interest of each relevant office holder.	Published Disclosable interests for PCC, CEO and CFO. Updated within 28 days of any change.
s51 Police Reform Act 2002	Custody Visitors Scheme	Run an effective and efficient custody visiting scheme.	Effective custody visiting scheme in place. Quarterly and annual reports are published. Potential visitors are subjected to police vetting and a recruitment process to ensure their independence. Visitors, custody staff and CJ Inspectors work within the Code of Practice from the Home Office. Member of the Independent Custody Visiting Association.
Local Government Finance Act 1992	Insurance	Ensure appropriate insurances in place to manage risk whilst ensuring VfM.	General insurance covered. Set and agree Insurance limits, track claims with legal and OCC CFO at 1/4ly meetings, agree OPCC and Force policies for public liability and employers liability
Local Government Pension Scheme	Pensions	Provide appropriate pension scheme for staff. Administer police officer scheme. Administer pension payments and claims.	Oversight in HR portfolio meetings. OPCC representation on LGPS Board for police staff and OPCC.
Abbreviations key: PCC Police & Crime Commissioner OPCC Office of the Police & Crime Commissioner OCC Officer of the Chief Constable COG Chief Officer Group ASB Anti Social Behaviour A&S Avon and Somerset ROCU Regional Organised Crime Unit VFM Value for Money CJB Criminal Justice CJB Criminal Justice Board PACT Partners and Communities Together HR Human Resources LGPS Local Government Pension Scheme CFO Chief Financial Officer			

Statutory reference	Function	Outline	Status/Outcome
CEO		Chief Executive Officer	
PFI		Private Finance Initiative	
SW1		South West One	
APACE		Association of Policing & Crime Chief Executives	
APCC		Association of Police & Crime Commissioners	