



PCC Governance and Scrutiny Board

Terms of Reference

Purpose

The Police and Crime Commissioner (PCC) for Avon & Somerset holds primary responsibilities aimed at ensuring effective and accountable policing within their jurisdiction.

These include:

- Setting priorities through a Police and Crime Plan
- Securing an efficient and effective police service
- Setting the police budget and determining the precept
- Holding the Chief Constable accountable for the delivery of policing services.

Explicitly, the PCC serves as the 'voice of the people' in matters of policing.

To support the fulfilment of these statutory responsibilities, including overseeing the delivery of the Police and Crime Plan, the PCC has implemented the Governance & Scrutiny Board. The Governance & Scrutiny Board (GSB) is the most senior board led by the PCC and serves as a formal platform to discharge these responsibilities. This Board ensures that the PCC can hold the Chief Constable accountable for the exercise of:

- a) the functions of the Chief Constable, and
- b) the functions of persons under the direction and control of the Chief Constable, as set out in Chapter 1 – Section 7 of the Police Reform and Social Responsibility Act 2011.

The Board enables the PCC to:

- Hold the Chief Constable to account for delivering policing that is efficient and effective.
- Demonstrate accountability, transparency, and value for money across a broad range of police functions, decisions, and national publications and inspections.
- Demonstrate progress made against the policing and crime objectives set out in the PCC's Police & Crime Plan.
- Support the requirements of the Specified Information Order by enabling the PCC to hold the Chief Constable to account in relation to performance against a range of national and local measures.

The dates of the GSB for the calendar year will be shared with Avon and Somerset Police in advance and published on the PCC's website to ensure transparency and public awareness.

Governance and Scrutiny Board (GSB)

Aim

A forum for formal decision making by the PCC and otherwise allowing for the PCC to scrutinise the work, performance, key projects and budget of the Constabulary. The Constabulary will have a responsibility to refer matters to the GSB in accordance with the Scheme of Governance.

The GSB will be a formal meeting held at Avon and Somerset Police Headquarters, Valley Rd, Portishead, Bristol BS208JJ.

The GSB is held monthly for 3 hours and the meeting sequence is aligned with that of the force CMB.

Attendance

The Board will be chaired by the PCC and regular membership will include:

From the Office of the Police and Crime Commissioner ('OPCC'): the Deputy Police and Crime Commissioner, the Chief of Staff, the Chief Finance Officer, the Director of Performance and Accountability, the Senior Performance and Governance Manager and any other parties as invited on an agenda dependent basis.

From Avon and Somerset Police: the Chief Constable ('CC'), Deputy Chief Constable ('DCC'), and where required any other member of the Chief Officer Group ('COG') such as the Chief Officer for Finance, Resources and Innovation. Other parties will be invited on an agenda dependent basis.

Either party may invite key partners or representatives to attend with agreement. The meetings will be administered and co-ordinated by the OPCC Secretariat Manager.

Standing Agenda

As a minimum each month, the agenda will include:

- Decisions
- Finance
- Estates
- Transformational Programme Oversight
- Chief Constable Update
- Monthly PEEL Question – to include strategic questions drawn from a range of sources

The scrutiny focus of each meeting will be aligned with the HMICFRS PEEL Questions to match the approach taken by Avon and Somerset Police. This will provide a joined up approach with all three agencies (Police, PCC and HMICFRS) looking at performance through the same lens and capitalise on the flow from Constabulary Management Board (CMB). There is a direct map on for all of the PCC's Plan priorities through each of the questions which provides good coverage across the year. It will also provide clear insight into the Transformational Change Programmes that support the strategic imperatives and outcomes within the Police and Crime Plan.

The PCC will use OPCC attendance at ASP Governance meetings to obtain an insight into performance, best practice and challenges. This insight will inform questions in GSB, particularly under the Monthly PEEL Question.

This does not preclude the PCC from applying scrutiny in other areas in response to topical issues raised. It may be deemed more appropriate to follow some issues up in writing to the Chief Constable outside the GSB format.

The following items will be covered annually:

- FMS
- STRA
- Control Strategy
- PCC Annual Complaint Report (to include Professional Standards)
- Strategic Policing Requirement

An annual agenda will be planned from February 2025 onwards and reviewed annually by representatives from both the OPCC and ASP in October.

Transparency

The GSB will not be a public meeting but summary minutes, including key points and actions, will routinely be published along with the agenda.

Any other reports submitted to the GSB that require publication should be agreed at the Board.

Legislation

Finance and assets: The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. Original legislation includes: [Police Act 1996](#), [Pension Regulations](#), [Local Government legislation](#). The PCC is the legal contracting body who owns all the assets and liabilities.

The [Policing Protocol Order 2011](#) summarises the key duties and powers of the **Police and Crime Commissioner (PCC)**, which are provided across several statutes.

The Policing Protocol also summarises the PCC's powers and responsibilities regarding their relationship with the Chief Constable, including the ability to request information. The main points about the PCC's powers to request information from the Chief Constable are:

1. **Statutory Right to Request Information:** The PCC has a statutory duty to hold the Chief Constable to account for the exercise of their functions and for the performance of the police force. As part of this duty, the PCC has the power to request and receive information from the Chief Constable that they need to discharge their responsibilities.
2. **Information to Support Effective Accountability:** The Chief Constable is required to provide the PCC with the information necessary for the PCC to carry out their responsibilities, including ensuring the efficiency and effectiveness of the force. This includes data on operational performance, resource allocation, and other relevant matters.
3. **Request for Operational Information:** While the PCC is responsible for holding the Chief Constable accountable, the Chief Constable retains operational independence. This means the PCC cannot direct the Chief Constable in operational matters, but they can request information related to operations for oversight purposes.
4. **Transparency and Cooperation:** The Policing Protocol emphasizes the need for a cooperative relationship between the PCC and the Chief Constable. The Chief Constable is expected to respond to requests for information in a way that supports transparency and enables the PCC to fulfil their role in scrutinizing the police force.

In summary, the PCC can request any information necessary to hold the Chief Constable accountable for the performance of the police force. However, operational independence of the Chief Constable is respected, meaning that while the PCC can request operational data, they cannot interfere in operational decisions.

Summary of Key Provisions:

- **Sections 14, 16, 17** emphasize the PCC's power to request information to hold the Chief Constable accountable.

- **Sections 18, 23** clarify operational independence but ensure that it does not obstruct the provision of necessary information to the PCC.

These provisions collectively support the PCC’s power to request and receive information to carry out their governance and oversight duties effectively.

The [Police Reform and Social Responsibility Act 2011 \(PRSRA\)](#) grants **Police and Crime Commissioners (PCCs)** various powers, including the ability to request information from the **Chief Constable**.

Summary of Relevant Sections:

- **Section 1(8)(a):** Duty to hold the Chief Constable to account.
- **Section 22:** Duty of the Chief Constable to provide information.
- **Section 36:** Chief Constable's duty to assist the PCC.
- **Section 17:** General functions of the PCC, including requesting information for performance and efficiency.
- **Schedule 2:** Additional details on PCC’s powers to require information.


These sections provide a statutory basis for the PCC to request and receive information from the Chief Constable to enable them to fulfil their role of holding the police force accountable.

Summary of the PCC's Role in the [Strategic Policing Requirement](#):

1. **Ensure local policing capacity** meets national priorities as set out in the SPR.
2. **Hold the Chief Constable accountable** for the force’s ability to respond to national threats.
3. **Balance local and national policing needs** in the Police and Crime Plan.
4. **Support collaboration** between forces and agencies to address cross-border and national issues.
5. **Allocate resources** to enable the local force to contribute to national policing requirements.
6. **Monitor and report** on the force’s compliance with the SPR.


In essence, the PCC ensures that their police force can contribute to national security and public safety efforts, as well as respond to local issues, reflecting both local community needs and broader national policing obligations.

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Clare Moody
Police and Crime Commissioner
for Avon and Somerset

SIGNATURE



Sarah Crew
Chief Constable for Avon and
Somerset

Appendix 1 – Further detail on legislative powers

Policing Protocol Order 2011

Key sections relevant to this power include:

Section 14 - Accountability

This section clarifies that the **PCC has a legal duty to hold the Chief Constable to account** for:

- The exercise of functions.
- The performance of the police force, including compliance with policing standards and priorities.

This implies that the PCC must be provided with necessary information to ensure they can properly fulfill this duty of accountability.

Section 16 - Information Provision

This section emphasizes that the **Chief Constable must provide the PCC with information** necessary to allow the PCC to carry out their functions:

- It establishes the need for the Chief Constable to supply performance data, financial information, and other relevant materials.
- It also makes clear that this information should include data necessary for the PCC to assess efficiency and effectiveness of the force.

Section 17 - Public Accountability and Transparency

Here, the order outlines the need for transparency in policing governance. It underscores that the **PCC has a right to access information** that allows them to make informed decisions and ensure public accountability.

Section 18 - Operational Independence

Although the **Chief Constable has operational independence** (as reinforced in this section), this does not negate the requirement to supply relevant information. The PCC must be provided with sufficient data to scrutinize decisions, while respecting operational boundaries.

Section 23 - Information Requests and Scrutiny

This section suggests that the **PCC's scrutiny function includes requesting information** to monitor and review police performance. This section also stresses the need for cooperative relations between the PCC and Chief Constable to facilitate the smooth transfer of information.

Police Reform and Social Responsibility Act 2011 (PRSRA)

The key sections of the Act that enable the PCC to request information are:

Section 1(8)(a) - Duty of the PCC to Hold the Chief Constable to Account

This section specifies the **PCC's responsibility to hold the Chief Constable to account** for the exercise of their functions and the performance of the police force. To fulfil this accountability role, the PCC must be able to request and receive information from the Chief Constable that relates to police operations, performance, and the use of resources.

Section 22 - Provision of Information to the PCC

This section explicitly states that the **Chief Constable is required to provide the PCC with information that they reasonably require** for the purpose of carrying out their functions. This includes:

- Information related to policing operations.
- Information necessary for the PCC to assess the performance and effectiveness of the police force. This ensures that the PCC has the legal authority to request any information they reasonably need to perform their oversight role.

Section 36 - Chief Constable's Duty to Assist PCC

This section highlights the duty of the **Chief Constable to assist the PCC** in discharging their functions. This duty includes providing information to the PCC as required for the purpose of governance, performance management, and accountability.

Section 17 - PCC's General Functions

This section outlines the general functions of the PCC, including securing the maintenance of an efficient and effective police force. To perform this duty, the PCC has the authority to request and access information from the Chief Constable to monitor performance and efficiency.

Schedule 2 - PCC's Power to Require Information

Schedule 2 provides further details on the PCC's powers in relation to the Chief Constable. It confirms that the PCC has the authority to:

- Require the Chief Constable to provide information or documents necessary to perform the PCC's functions.

Strategic Policing Requirement

Key aspects of the PCC's role in relation to the SPR:

1. Ensuring Local Policing Meets National Requirements

The SPR identifies specific national threats that police forces must collectively address, such as terrorism, organised crime, civil emergencies, and public order threats. The PCC is responsible for ensuring that the **local police force can contribute to addressing these threats**, even while focusing on local priorities.

2. Holding the Chief Constable to Account

The PCC's core function is to hold the Chief Constable to account for the performance of the police force. This includes ensuring that the force:

- Maintains sufficient capacity and capability to respond to the national threats outlined in the SPR.
- Allocates appropriate resources to meet both local priorities and national policing obligations. The PCC must ensure that local policing plans align with the requirements of the SPR, and that the Chief Constable's operational decisions reflect those obligations.

3. Balancing Local and National Policing Needs

While the PCC is primarily responsible for setting local policing priorities through the **Police and Crime Plan**, they must balance these with the national priorities outlined in the SPR. This requires the PCC to:

- Factor the SPR into their Police and Crime Plan.
- Work with the Chief Constable to ensure the local force can meet its obligations to address national threats while also delivering on local priorities.

4. Collaboration and Partnership

The SPR emphasizes the importance of collaboration between police forces, as certain national threats cannot be tackled by a single force. The PCC is responsible for:

- Facilitating and supporting collaboration agreements between their local police force and other forces or agencies, ensuring a collective response to national threats.
- Ensuring that the force participates in national frameworks and multi-agency work to meet SPR obligations.

5. Ensuring Resource Allocation

The PCC oversees the financial and strategic resource allocation of the local police force. Part of this responsibility involves ensuring that resources are allocated not just for local issues but also for national threats identified in the SPR. This includes:

- Providing funding to support the force's contribution to national policing requirements.
- Monitoring how resources are being used to ensure they meet both local and national priorities.

6. Monitoring and Reporting

PCCs have a role in monitoring their force's compliance with the SPR. They must:

- Scrutinize the force's performance and ensure that appropriate capabilities and plans are in place to meet national policing demands.
- Report on the local force's ability to address national threats, often in conjunction with other local policing activities.

Relevant Legislative Framework:

- **Section 77 of the Police Reform and Social Responsibility Act 2011:** Gives the Home Secretary the power to issue the SPR, outlining the national threats that require a coordinated policing response.

- **Section 5 of the Act:** Requires the PCC to take the SPR into account when developing their Police and Crime Plan, ensuring national priorities are reflected in their local strategy.

Here are some of the other key legal frameworks:

1. Freedom of Information Act 2000 (FOIA)

- The **FOIA** promotes transparency by allowing public access to information held by public authorities, including police forces. While this law applies more generally to public requests, it also implies that the **Chief Constable must maintain transparent and open communication with the PCC**, particularly when the PCC is required to disclose information or respond to FOIA requests related to police force activities.

2. Local Government Finance Act 1988

- This Act requires **policing bodies to produce financial information** that allows for transparency and accountability in how public funds are used. The **Chief Constable must provide financial information to the PCC**, who holds them accountable for the use of policing budgets. The PCC, as a precepting authority, needs access to this information to scrutinize financial management and resource allocation.

3. Police (Conduct) Regulations 2020

- These regulations govern police conduct and disciplinary processes. Under these regulations, the **Chief Constable is required to share information with the PCC** regarding misconduct or disciplinary actions, especially where these matters may impact public confidence or the ability of the force to maintain operational effectiveness. The PCC has a role in ensuring professional standards within the force are maintained.

4. Police and Criminal Evidence Act 1984 (PACE)

- While PACE primarily governs police powers in criminal investigations, it requires that **record-keeping and accountability** mechanisms are maintained. The **Chief Constable must ensure that operational data and investigative records are shared with the PCC** when needed to ensure oversight of how police powers are being used, especially regarding arrests, detentions, and searches.

5. Policing and Crime Act 2017

- This Act enhanced the role of the PCC, particularly in overseeing police complaints and collaboration between emergency services. It places a duty on the **Chief Constable to share information with the PCC** regarding complaints handling and the performance of the force in resolving public grievances. The PCC may also require data regarding cross-agency collaborations (e.g., with fire services or other emergency services).

6. Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

- Under the Equality Act, police forces are public authorities subject to **public sector equality duties**. This requires them to gather, report, and act on data related to equality and non-discrimination. The **Chief Constable is legally obligated to share this information with the PCC** to ensure the force complies with equality and diversity obligations and that the PCC can hold them accountable for addressing these issues.

7. Health and Safety at Work Act 1974

- This Act requires police forces, as employers, to maintain and provide information related to **health and safety** at work. The **Chief Constable must ensure that health and safety performance information** (e.g., accidents, risk assessments) is available to the PCC, who holds oversight of the well-being of the force.

These additional laws ensure the Chief Constable provides the PCC with necessary information across a variety of areas, including financial management, operational performance, health and safety, and compliance with equality standards. The overarching goal of these provisions is to ensure effective oversight, transparency, and accountability in policing.