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Date: 4 September 2012

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CUSTOMERS AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL

Date: Wednesday 12 September 2012
Time: 4 pm
Venue: Council House, Next to the Civic Centre

Members:

Councillor Tuffin, Chair

Councillor Michael Leaves, Vice Chair

Councillors Ball, Casey, Damarell, Philippa Davey, Haydon, Jarvis, Jordan, Martin Leaves and Ricketts.

Members are invited to attend the above meeting to consider the items of business overleaf.

Members and officers are requested to sign the attendance list at the meeting.

Bob Coomber
Interim Chief Executive

CUSTOMERS AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for non-attendance submitted by Panel Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES (Pages 1 - 4)

The Panel will be asked to confirm the minutes of the meeting held on 18 July 2012.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. COMMUNITY RIGHT TO CHALLENGE (Pages 5 - 10)

At the request of Cabinet, the Panel will give pre-decision scrutiny consideration to the Community Right to Challenge report with a view to making recommendations back to Cabinet at its meeting on 16 October 2012.

6. UPDATE ON POLICE AND CRIME PANEL (Pages 11 - 16)

The Panel will receive for its information an update on the Police and Crime Panel.

7. TRACKING RESOLUTIONS (Pages 17 - 18)

The panel will monitor progress on previous resolutions.

8. LIBRARY MODERNISATION PID (REVISED) (Pages 19 - 22)

The Panel will reconsider the Library Modernisation PID, as amended at the request of the Overview and Scrutiny Management Board.

9. WORK PROGRAMME (Pages 23 - 24)

The Panel will consider its work programme for 2012/13.

10. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

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Customers and Communities Overview and Scrutiny Panel

Wednesday 18 July 2012

PRESENT:

Councillor Tuffin, in the Chair.

Councillor Michael Leaves, Vice-Chair.

Councillors Ball, Casey, Damarell, Haydon, Jarvis, Jordan, Martin Leaves, Ricketts and Singh (substitute for Councillor Philippa Davey).

Apology for absence: Councillor Philippa Davey.

Also in attendance: Andy Netherton, Manager Safety, Health and Licensing, Robin Carton, Head of Public Protection Service, Darin Halifax, Community Cohesion Officer (Lead Officer), and Katey Johns, Democratic Support Officer.

The meeting started at 4 pm and finished at 4.50 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

11. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declarations of interest were made –

Name	Subject	Reason	Interest
Councillor Jordan	Library Modernisation – Project Initiation Document	Director of Trading Route (Café operating in Devonport Library)	Personal
Councillor Damarell	Noise Nuisance	Plymouth Community Homes Employee	Personal

12. MINUTES

Agreed the minutes of the meeting held on 20 June 2012.

13. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

14. **NOISE NUISANCE**

Robin Carton, Head of Public Protection Service, and Andy Netherton, Manager Safety, Health and Licensing, were in attendance to inform the panel on how the department responded to noise nuisance. Members were advised that –

- (a) the service dealt with three types of noise nuisance, namely –
 - domestic noise (including dogs);
 - commercial noise; and
 - leisure facility noise;
- (b) the law states that it must first be established that a noise nuisance exists before action can be taken;
- (c) the department operated on a limited budget and had to deal with incidents in order of priority. Current policy was to deal with established persistent noise;
- (d) officers had the use of recording equipment available to them and undertook visits at various times of the day, this included a weekend out of hours service which covered Friday and Saturday evenings between the hours of 8 pm and 1 am;
- (e) the out of hours service contact number was not generally available to the public but was currently only provided to complainants who had already established the existence of a persistent noise nuisance in order that officers on-call could attend the scene at very short notice with a view to catching the offenders in the act;
- (f) it was often the case that many complaints (80%) could be solved by officers simply talking to the offender and bringing the problem to their attention;
- (g) officers worked closely with the anti-social behaviour unit and registered social landlords to deal with domestic noise to try and resolve issues at a local level;
- (h) where situations could not be resolved locally by mediation the following enforcement options were available, including –
 - serving of notice under the Environmental Protection Act;
 - use of anti-social behaviour byelaws;
 - issue of Fixed Penalty Notice;
 - revoking of premises licence;
 - confiscation of equipment;
- (i) a review of the service was planned to include –

- possible extension of the availability and scope of the out of hours service;
- considering full implementation of the use of fixed penalty notices in the night time hours.

In addition, a breakdown of statistics was provided as follows –

Year	Commercial	Domestic	Dogs	Total	Notices	Licence Revocation	Prosecutions
2010/11	204	915	322	(1441)	44	2	4
2011/12	230	1141	367	(1738)	41	2	5 + ASBO
1 st Quarter 2012/13	63	303	75	1 st Q only	28	0	4 8 pending

Councillors Michael Leaves and Damarell congratulated the officers and their team for the work undertaken and their achievements given the confines of their budget.

Agreed that –

- (1) a further update is presented to the panel later in the year with the Cabinet Member for Cooperatives and Community Development being invited to attend and comment on the outcome of the service review;
- (2) the statistics quoted during the presentation is circulated to panel members.

(Councillor Damarell declared a personal interest in respect of the above item).

15. **LIBRARY MODERNISATION - PROJECT INITIATION DOCUMENT**

The panel's lead officer presented the project initiation document in respect of Library Modernisation, highlighting the objectives and key dates for consideration.

Agreed that membership of the task and finish group will comprise Councillors Casey, Jarvis, Jordan, Martin Leaves and Tuffin.

(Councillor Jordan declared a personal interest in respect of the above item).

16. **SOCIAL FUND REPLACEMENT - PROJECT INITIATION DOCUMENT**

The panel's lead officer presented the project initiation document in respect of Social Fund Replacement, highlighting the objectives and key dates for consideration. Members were advised that –

- (a) the task and finish group would also need to take place in September as, should one of the recommendations be to commission the service, a contract would have to be in place by April 2013;
- (b) it was anticipated that the total funding to be received for this project would be £750k;

- (c) the lead officer advised that, due to his close working involvement in this particular area he would be unable to support the panel for the purposes of this task and finish group, however, a suitable replacement lead officer would be identified.

Agreed that membership of the task and finish group will comprise Councillors Ball, Damarell, Jarvis, Ricketts and Tuffin.

17. **TRACKING RESOLUTIONS AND FEEDBACK FROM THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

The panel noted the tracking resolutions schedule.

18. **WORK PROGRAMME**

Members were advised that –

- (a) the Overview and Scrutiny Management Board would be considering the panel's draft work programme at its meeting on Wednesday 25 July 2012;
- (b) appropriate dates were still being sought from Directors regarding submission of the Life Centre and ICT/Customer Service Improvement Updates;
- (c) the Gambling Act Statement of Licensing Policy – 3 Year Review was currently under way and out to public consultation. The timeframe for approval of any changes was as follows –
- Closure of public consultation – 28 September 2012;
 - Customers & Communities OSP – 12 September 2012 (if agreed);
 - Cabinet – 13 November 2012;
 - City Council – 3 December 2012.

It was anticipated that, as a result of the first review in 2009, there would be little need to make any significant change to the Policy on this occasion.

Agreed that a briefing paper in respect of the Gambling Act Statement of Licensing Policy – 3 Year Review is circulated to panel members via e-mail. Members will advise the Democratic Support Officer if they wish for the matter to be included in the work programme for discussion at the next panel meeting on 12 September 2012.

19. **EXEMPT BUSINESS**

There were no items of exempt business.

PLYMOUTH CITY COUNCIL

Subject:	Community Right to Challenge
Committee:	Cabinet
Date:	14 August 2012
Cabinet Member:	Councillor Penberthy
CMT Member:	Adam Broome, Director for Corporate Services
Author:	Tim Howes, Assistant Director for Democracy and Governance
Contact:	Email:tim.howes@plymouth.gov.uk Tel: 01752 305403
Ref:	
Key Decision:	No
Part:	I

Purpose of the report:

The Localism Act 2011 has created the community right to challenge, which will give community and voluntary sector organisations and groups of council staff the right to 'challenge' local authorities by putting forward an expression of interest in running their services. This report recommends that the Council set an initial timescale after which, expressions of interest will be accepted under the community right to challenge.

Corporate Plan 2012 – 2015:

There are no direct implications at this stage, but any successful expressions of interest will have an impact.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

There are no implications at this stage, but if an expression of interest is accepted then resources will be required to undertake the procurement exercise. If a service is then put out to contract, there will be other legal, financial and human resource implications.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None at this stage.

Recommendations & Reasons for recommended action:

It is recommended:

That the Council agree and publish an initial timetable for the receipt of expressions of interest and not accept any expressions of interest under the community right to challenge until after the 5 November 2012.

The reason for this recommended action is to allow time to develop the policy and process for reviewing expressions of interest. This will provide clarity to those who wish to submit an expression of interest.

Alternative options considered and reasons for recommended action:

There are no alternative options for consideration.

Background papers:

Localism Act 2011 Sections 81-85 and Regulations made under this part of the Act
Draft Guidance on the Community Right to Challenge

Sign off:

Fin	MCI213. 006	Leg	I5298/ DVS	HR	1207/ 002 MG	Corp Prop		IT		Strat Proc	
Originating SMT Member: Tim Howes, Assistant Director for Democracy and Governance											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 Introduction to the Community Right to Challenge

That part of the Localism Act 2011 relating to the community right to challenge came into force on the 27 June 2012. At the same time, both the supporting regulations were enacted and draft guidance was published.

The community right to challenge requires the Council (as a **relevant authority**), to consider expressions of interest in carrying out a **relevant service** from **relevant bodies**. Where the expression of interest is accepted, the Council must carry out a procurement exercise for the service.

The Act does not give an automatic right to the organisation expressing an interest to deliver the service, nor is it guaranteed the organisation will be successful in any procurement exercise.

The **relevant bodies** that can submit expressions of interest are:

- A voluntary or community body
- A body of persons or a trust established for charitable purposes only
- A parish council
- Two or more City Council employees
- Any other person or body specified by the Secretary of State

The **relevant services** that can be the subject of an expression of interest are those provided by or on behalf of a relevant authority in the exercise of its functions. It only relates to services of the authority rather than its functions. Those services jointly commissioned with health, are excluded (either temporarily or permanently). Services commissioned or managed by individuals using direct payments are also excluded.

2.0 Submitting expressions of interest.

The Council may choose to specify periods during which expressions of interest may be submitted in relation to a particular service. This will allow the council to manage the flow of requests and synchronise them around commissioning cycles for services. The 'timetable' for submissions of interest must be published, including publication on the Council's website. In the event we choose not to specify periods, then they can be submitted at any time.

3.0 Requirements of expressions of interest.

Expressions of interest must be in writing and conform to other requirements as specified in the regulations. The Council may request further information but it must be made clear that it is optional. The required information includes:

- Information about the financial resources of the relevant body (or bodies) submitting the expression of interest.
- Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the relevant service.
- Information about the relevant service sufficient to identify it and the geographical area to which the expression of interest relates.
- Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular:
 - How the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and
 - How it will meet the needs of the users of the relevant service.
- Where the relevant body consists of employees of the relevant authority, details of how that relevant body proposes to engage other employees of the relevant authority who are affected by the expression of interest.

4.0 Notifying decisions on an expression of interest

The Council must specify the maximum period that it will take to notify a relevant body of its decision on an expression of interest. Different periods may be specified for different services.

The notification must be made in writing within 30 days of the closure of the period for submitting expressions of interest.

5.0 Grounds for rejecting an expression of interest

The Council may reject an expression of interest only on one or more of the following grounds:

1. The expression of interest does not comply with any of the requirements specified in the Act or in regulations.
2. The relevant body provides information in the expression of interest which in the opinion of the relevant authority, is in a material particular inadequate or inaccurate.
3. The relevant authority considers, based on the information in the expression of interest, that the relevant body or, where applicable-
 - (a) any member of the consortium of which it is a part, or
 - (b) any sub-contractor referred to in the expression of interestis not suitable to provide or assist in providing the relevant service.

4. The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service.
5. The expression of interest relates to a relevant service -
 - (a) provided, in whole or in part, by or on behalf of the relevant authority to persons who are also in receipt of a service provided or arranged by an NHS body which is integrated with the relevant service; and
 - (b) the continued integration of such services is, in the opinion of the relevant authority, critical to the well-being of those persons.
6. The relevant service is already the subject of a procurement exercise.
7. The relevant authority and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.
8. The relevant authority has published its intention to consider the provision of the relevant service by a body that 2 or more specified employees of that authority propose to establish.
9. The relevant authority considers that the expression of interest is frivolous or vexatious.
10. The relevant authority considers that acceptance of the expression of interest is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.

6.0 Modifying an expression of interest

If the Council might otherwise reject an expression of interest, it may seek instead for it to be modified.

7.0 Period between accepting an expression of interest and a procurement exercise starting

The Council must specify the period between accepting an expression of interest and a procurement exercise starting. In specifying these periods, the Council should consider:

1. The need to provide employees of the Council, and other relevant bodies, with a fair, reasonable and realisable opportunity to bid in the procurement exercise for the service;
2. The nature, scale and complexity of the service being procured. For example, it may take relevant bodies longer to prepare to bid for larger, complex services than smaller more straightforward ones; and
3. The timescales for any existing commissioning cycle relevant to the service being procured, or any other relevant authority processes. These may include Council Cabinet decision making or budget setting processes.

8.0 The procurement exercise

When an expression of interest is accepted, the Council must carry out a procurement exercise for the service. This must comply with procurement law and will be in accordance with our existing processes.

9.0 Comment and Next Steps

At one level, these provisions could be seen as a good thing in that the right to challenge is consistent with a range of Council commitments to better engage with the local community through pursuing cooperative working and direct service provision. In so doing, communities and voluntary sectors can take direct action in the provision of a local service for the local community themselves.

However, the Council and the local community it serves needs to be alert to concerns contained with the right to challenge provisions which appear to mitigate against this.

For example, it is worth noting that a relevant body may submit an expression of interests in partnership with other relevant or non-relevant bodies. So an expression of interest can be submitted with a partner from the private commercial sector.

There appears to be no restriction in terms of which non-relevant bodies may partner a local community or voluntary/community body. Accordingly, there must be an inherent risk that, as opposed to being used as a vehicle to support local communities in public service provision for community benefit, this will be used as an opportunity for hostile takeovers of services for profit from partner bodies with little or no local community connection or local community interest.

The Council has the right under the Localism Act 2011, to set time periods within which it will consider expressions of interest. In addition, the Council can reject expressions of interest it receives outside that time period.

Mindful of these concerns and with the intention of allowing the Council time to develop the policy and process for reviewing expressions of interest, it is recommended that the Council start accepting expressions of interest after the 5 November 2012 and that none will be considered prior to this date.

The matters to be the subject of further development include:

- The production of a comprehensive and workable timetable for submitting expressions of interest (see 2.0 above)
- The determination of what additional information will be required of those submitting expressions of interest (see 3.0 above)
- The setting of a timetable for making a decision on expressions of interests (see 4.0 above)
- The setting of the timetable for a procurement exercise (see 7.0 above)

It is planned that these matters will be the subject of a pre-decision report to Overview and Scrutiny in September and to Cabinet on the 16 October 2012 after which, the information will be published on the website.

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PLYMOUTH CITY COUNCIL

Subject:	Update on Police and Crime Panel
Committee:	Customer and Communities Overview and Scrutiny Panel
Date:	12 th September 2012
Cabinet Member:	Councillor Chris Penberthy, Cabinet Member for Cooperatives and Community Development
CMT Member:	Stuart Palmer, Assistant Director for Homes and Communities
Author:	Sarah Hopkins, Community Safety Partnership Manager
Contact:	Tel: 01752 305542 e-mail: sarah.hopkins@plymouth.gov.uk
Ref:	PA/SH/C&COSP PCP Update
Key Decision:	No
Part:	I

Executive Summary:

As part of its work programme, Customer and Communities Overview and Scrutiny Panel have requested a progress report on the developments of the Police and Crime Panel for Devon and Cornwall.

The Police Reform and Social Responsibility Act 2011, required the establishment of a Police and Crime Panel (Panel) in every force area to provide a check and balance (or "scrutiny role") for the elected Police and Crime Commissioners (PCC). The Panel is a 'joint committee' of the authorities who make up the force area. These arrangements replace Police Authorities. The Secretary of State wrote to all Local Authorities on 23 January 2012 requiring that, by July 2012, Panels were established and a host authority agreed in each Force area.

With Plymouth having the highest rate of crime in the force area, by offering to be the Host Authority it was felt that we would be showing leadership in crime reduction Peninsula-wide.

At Full Council on 25th June 2012, agreement was reached for setting up of the Panel as a joint committee of the authorities in the force area, the appointment of representatives, the payment of expenses to members and independent members, the delegation of amendments to the monitoring officer in consultation with the Leader, and that Plymouth City Council offer to be 'host authority'. It was also agreed that Plymouth's position on continuing to act as the host authority be reviewed in March 2013, and especially in light of any potential reductions in Home Office funding to support this work.

Following discussions and negotiations over panel composition taking place over the last year, led by Plymouth, this finally resulted in agreement being reached amongst all 13 local authorities in our force area, and this was formally agreed at the Shadow Police and Crime Panel for Devon & Cornwall, held on 25th July 2012. Plymouth's offer to be Host Authority was also agreed at this meeting.

In the meantime, The LGiU Chief Executive, Andy Sawford, has recently called for referendums to be held on police reforms and any updates, we will watch developments on this and provide further information when more is known.

Corporate Plan 2012-2015:

An effective Police and Crime Panel has the potential to support delivery of city priorities, in particular 'reducing inequality' and the outcome measure concerning crime reduction.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

- Finance - The host authority will receive an administration grant of £53,000, plus £920 per panel member per year for expenses. The funding will be provided pro rata for the first year (October 2012 until March 2013), and confirmation about future funding arrangements from the Home Office is awaited.
- Human resources - The host authority is responsible for providing support including a Democratic Support Officer to undertake administrative functions and to support the panel, with others providing the specialist advice.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Plymouth has the highest rate of crime in the force area. This report covers how Plymouth has managed to secure a strong position to influence key decisions made by the Police and Crime Commissioner about how crime and disorder is addressed not only locally, but across the force area. An Equality Impact Assessment has been conducted and there is no adverse impact.

Recommendations & Reasons for recommended action:

This report is for information.

Alternative options considered and reasons for recommended action:

N/A

Background papers:

1. Police Reform and Social Responsibility Act 2011¹
2. Letter to Local Authority Leaders from the Home Secretary dated 23 January 2012
3. Papers provided to the Shadow Police and Crime Panel held on 25th July 2012²
4. Letter from Stephen Rimmer in the Home Office, dated 31st July 2012
5. Equality Impact Assessment³

Sign off:

Fin		Leg		HR		Corp Prop		IT		Strat Proc	
Originating SMT Member: Stuart Palmer, Assistant Director Homes and Communities											
Have you consulted the Cabinet Member(s) named on the report? Yes											

¹ <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

² <http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FmgCommitteeDetails.aspx%3FID%3D1051>

³ http://www.plymouth.gov.uk/eia_2012_police_and_crime_panel.pdf

1.0 Introduction

- 1.1 As part of its work programme, Customer and Communities Overview and Scrutiny Panel have requested a progress report on the developments of the Police and Crime Panel for Devon and Cornwall.
- 1.2 The Police Reform and Social Responsibility Act 2011, requires the establishment of a Police and Crime Panel (the Panel) in every force area to provide a check and balance (or "scrutiny role") for the elected Police and Crime Commissioners (PCC). The Panel is a 'joint committee' of the authorities who make up the force area. These arrangements replace Police Authorities. The Secretary of State wrote to all Local Authorities on 23 January 2012 requiring that, by July 2012, Panels were established and a host authority agreed in each Force area.
- 1.3 With Plymouth having the highest rate of crime in the force area, by offering to be the Host Authority it was felt that we would be showing leadership in crime reduction Peninsula-wide.
- 1.4 At Full Council on 25th June 2012, Plymouth City Council agreed to the setting up of the Panel as a joint committee of the authorities in the force area, the appointment of representatives, the payment of expenses to members and independent members, the delegation of amendments to the monitoring officer in consultation with the Leader, and that Plymouth City Council offer to be 'host authority'. It was also agreed that Plymouth's position on continuing to act as the host authority be reviewed in March 2013, and especially in light of any potential reductions in Home Office funding to support this work.

2.0 PANEL COMPOSITION

- 2.1 Devon, Cornwall and the Isles of Scilly is a Force area comprising 13 participating authorities, and the Act requires the Panel to consist of one member (Councillor) per authority as a minimum, plus two co-opted independent (non-councillor) members. (As Torbay has an elected Mayor they, or their nominee, must participate). The maximum size for any Panel is 20.
- 2.2 The legislation requires Councils to have regard to proportionality of appointments both geographically and politically, though the exact requirements were not stipulated and detailed arrangements for this were left to local areas to determine. This gave us an opportunity to consider increasing the panel size up to the maximum of 20 to help address the proportionality issues.
- 2.3 Following considerable and tricky discussions and negotiations regarding panel composition over the last year, led by Plymouth, agreement was finally reached amongst all 13 local authorities in our force area to the Panel membership and composition made up of 20 members (see table 1).
- 2.4 Each local authority has determined who their representative(s) on the Panel are from amongst members of their authority. In terms of political proportionality, the allocation of seats on the panel has been based on the political make-up of the authority.
- 2.5 This was formally agreed at the Shadow Police and Crime Panel for Devon & Cornwall, held on 25th July 2012. Plymouth's offer to be Host Authority was also agreed at this meeting.
- 2.6 As the Host Authority, Plymouth City Council were able to complete and submit the formal return to the Home Office on the 26th July 2012 (Appendix 1).

Table 1

Authority	Seats allocated
Devon (County)	1
Devon Districts:	
East Devon	1
Exeter	1
Mid-Devon	1
North-Devon	1
South Hams	1
Teignbridge	1
Torridge	1
West Devon	1
Cornwall	5
Plymouth	2
Torbay	1
Isles of Scilly	1
1 Independent member - must be a resident of Cornwall and the Isles of Scilly	1
1 Independent member - must be a resident of Devon (includes Torbay and Plymouth)	1

2.7 As the Panel have agreed to co-opt an additional five elected members these are subject to the approval of the Home Secretary. The Home Secretary intends to consider all requested co-options in early autumn, and confirmation of the decision is awaited.

3.0 PANEL FUNCTIONS

3.1 As a reminder, the Panel has a series of functions (some of which are special functions⁴), in the Police and Social Responsibility Act, which must be carried out with the purpose of supporting the effective exercise of the functions of the PCC and are shown in Table 2:

Table 2

	FUNCTION	Reference
1	<i>(Special Function)</i> To review and make a report or recommendation on the draft Police and Crime Plan, or any draft variation, given to the Panel by the PCC.	s28 (3)(a)
2	To review, put questions to the PCC at a public meeting, and make a report and/or recommendation/s (as necessary) on the Annual Report.	s28 (4)
3	<i>(Special Function)</i> To hold a confirmation hearing and review, make a report, and/or recommendation/s (as necessary) in respect of proposed senior appointments made by the PCC.	s28 (5) Sch 1 para 9 – 11
4	<i>(Special Function)</i> To review and make a report on (and if necessary veto) the proposed appointment of the Chief Constable.	s28 (5) and Sch 8
5	Review and report on the PCC's proposals to remove a Chief Constable.	Sch 8, para 15
6	<i>(Special Function)</i> To review and make a report and/or recommendation/s (as necessary)(and if necessary veto) on the proposed level of precept.	s28 (5) and Sch 5
7	To review and scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.	s28 (6)
8	To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.	Schedule 7, para 3
9	Suspend the PCC on their being charged.	s30
10	To appoint an Acting PCC if necessary.	s62
11	Publish any reports and recommendations made.	s28 (7) to (9)

⁴ Special Functions' are those functions which can not be delegated to a Task Group.

- 3.2 The Panel has the power of veto over some of the Commissioner's key roles - Chief Constable selection/removal and setting the precept (on a two-thirds majority), but does not have the power of veto over the budget. The Panel also has powers to make reports and recommendations about any actions and decisions of the Commissioner, and specifically about their draft Police and Crime Plan and Annual Report.

4.0 SHADOW POLICE AND CRIME PANEL

- 4.1 At the Shadow Police and Crime Panel for Devon and Cornwall held on 25th July 2012, the Panel voted in favour of the appointment of the Shadow Chair (Cllr Roger Croad, Devon County Council) and Shadow Vice Chair (Cllr Lance Kennedy, Cornwall Council) for the purposes of running the Shadow Panel meeting and in order to commence the recruitment process for the independent members. However it was agreed that this will need to be revisited at the first formally constituted meeting of the Panel in October.
- 4.2 As well as agreeing the the Panel composition and host authority, the Panel also agreed the "Draft Panel Arrangements and Rules of Procedure" with some small amendments, but acknowledged that these remain subject of further regulations and guidance which is awaited, specifically in relation to the handling of non-criminal complaints about the Police and Crime Commissioner, vetos and confirmation hearings. It is anticipated that it will be possible to provide a more complete version in time for the next scheduled meeting in October.
- 4.3 The Panel is required to recruit two independent (non-councillor) members for a term of four years, (starting in 2012) and secure that (as far as is reasonably practicable) independent members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. The Panel agreed that one independent member should be recruited from Devon (including Plymouth and Torbay) and the other from Cornwall and the Isles of Scilly.
- 4.4 The Panel agreed to the framework and proposed advert for the recruitment of independent members and delegated the coordination of this to the host authority in liaison with the Shadow Chair and Shadow Vice Chair of the Panel. It was also agreed that a Selection Panel be established to shortlist candidates, comprised of 3 Panel members from Devon (including Plymouth and Torbay) and 3 members from Cornwall and the Isles of Scilly. The advert for this is already out, and has been shared with all 13 councils in the force area, widely distributed to community and voluntary sector organisations and a wide range of other statutory organisations, asking them all to promote the advert as widely as possible. Plymouth will also lead on a press release regarding this on behalf of Devon and Cornwall. The closing date for applications is the 14th September 2012. Shortlisted candidates will be ratified at the next scheduled meeting of the Panel.
- 4.5 The Panel were given a presentation by Chris Williams, Senior Advisor (Community Safety) from the Local Government Association who was invited to cover the topics of vetos and what would a successful Panel would look like in Devon and Cornwall. Chris advised that current guidance on vetos was still being reviewed and quite likely to be amended.
- 4.6 The Panel also agreed to proposals for induction, and members are being consulted on the content they would like included. A work-plan and time-table was presented to the Panel giving a high level overview of the work ahead - dates for future meetings to align with the work plan are currently being arranged.
- 4.7 The date of the next Panel meeting has been agreed to take place on 22nd October 2012.

5.0 RUNNING COSTS

- 5.1 As a result of agreement being reached for Plymouth to act as the Host Authority, funding will be provided by the Home Office for panel/administration costs (approx £53K) and £920 per Panel member (including up to the maximum of 20) to cover Panel Member Expenses. This will be provided pro-rata for 2012/13. Confirmation about future funding arrangements is awaited.
- 5.2 The expectation from the Home Office is that there should be no more than 4 meetings per year and the funding they provide covers this. In advance of the election of the PCC, there will have already been 2 meetings, plus induction/training and the recruitment process for the Independent Members.
- 5.3 It is quite certain there will be a minimum of 4 meetings within the 6 month period between November 2012 and end of March 2013 to achieve the Panels statutory functions of agreeing (or veto-ing) the precept, confirming (or veto-ing) the Chief Constable's appointment, confirmatory hearings for PCC proposed Senior Appointments, agreeing the Police and Crime Plan, the Annual Report, and holding an Annual Public Meeting of the Panel.
- 5.4 It will be necessary for the officer/s of the host authority to arrange and attend all Panel meetings in order to undertake administrative functions and to offer advice and support to the Panel.

6.0 POLICE AND CRIME COMMISSIONER ELECTIONS

- 6.1 The elections for the Police and Crime Commissioners will be held on 15 November 2012. Nominations will open 8 October 2012 and close 19 October 2012. PCCs will take office 22 November 2012
- 6.2 Although the Home Office has overall responsibility for the PCC elections, the elections will actually be run by local returning officers (LROs) in each local authority, with police area returning officers (PAROs) co-ordinating across each force area.
- 6.3 Kevin Lavery, the Chief Executive of Cornwall Council, has been appointed as the PARO for the Devon and Cornwall PCC elections, which also includes the Isles of Scilly. He is also the LRO for Cornwall.
- 6.4 There are 12 LRO's in this area – equating to the 12 local authorities – Cornwall Council, Plymouth City Council, Torbay Council, Council of the Isles of Scilly, South Hams District Council, West Devon District Council, Torridge District Council, North Devon Council, Teignbridge District Council, East Devon District Council, Mid Devon District Council, Exeter City Council.
- 6.5 Two special briefing days are being held to provide information on the issues arising from the introduction of the new Police and Crime Commissioners for candidates, potential candidates and members of the public. The first candidate briefing day will take place in Kingsley Village, near Fraddon, in Cornwall on 24 September. A second day will also be held in Devon in October. Further information can be found at <http://www.cornwall.gov.uk/default.aspx?page=32214>

Guidance on the election process is available from the [Electoral Commission website](#).

TRACKING RESOLUTIONS
Customers and Communities Overview and Scrutiny Panel
12 September 2012

Date/min number	Resolution	Explanation / Minute	Officer	Progress	Target Date
18/07/12 14 (1)	<u>Agreed</u> that - a further update is presented to the panel later in the year with the Cabinet Member for Co-operatives and Community Development being invited to attend and comment on the outcome of the service review;	Noise Nuisance	Robin Carton and Andy Netherton	Item added into panel's work programme.	06-02-13
(2)	the statistics quoted during the presentation is circulated to panel members.			Information sent to panel members via e-mail on 20-07-12.	
18/07/12 15	<u>Agreed</u> that membership of the task and finish group will comprise Councillors Casey, Jarvis, Jordan, Martin Leaves and Tuffin.	Library Modernisation – Project Initiation Document		Scoping meeting to be arranged	
18/07/12 16	<u>Agreed</u> that membership of the task and finish group will comprise Councillors Ball, Damarell, Jarvis, Ricketts and Tuffin.	Social Fund Replacement – Project Initiation Document		Subsequently agreed that Councillor Philippa Davey would replace Councillor Jarvis. Lead Officer now confirmed as Lisa Woodman. Scoping meeting to be arranged.	

Date/min number	Resolution	Explanation / Minute	Officer	Progress	Target Date
18/07/12 18	Agreed that a briefing paper in respect of the Gambling Act Statement of Licensing Policy – 3 Year Review is circulated to panel members via e-mail. Members will advise the Democratic Support Officer if they wish for the matter to be included in the work programme for discussion at the next panel meeting on 12 September 2012.	Work Programme		E-mail sent to panel members on 18-07-12. No responses were received therefore the matter has not been included in the work programme.	

REQUEST FOR SCRUTINY WORK PROGRAMME ITEM



PLYMOUTH
CITY COUNCIL

	Title of Work Programme Item	Library Modernisation
2	Responsible Director (s)	Adam Broome (Director for Corporate Services)
3	Responsible Officer Tel No.	Darin Halifax (Community Cohesion Co-ordinator) Tel ext 5446.
4	Relevant Cabinet Member(s)	Cllr Peter Smith (Deputy Leader)
5	Objectives	<p>Public libraries are changing nationally and internationally at great speed. Many different approaches are being trialled, some with the intention of reducing expenditure and the level of services. There is currently a review process taking place looking at library modernisation in Plymouth with the aims and objectives to</p> <ul style="list-style-type: none"> • Maintain and enhance the citywide network of library buildings and services • Expand the role of libraries to provide Council information and services and those of its key partners, such as the NHS • Establish a blueprint for development which improves literacy, and by improving literacy improve employability • Create a service which remains sustainable in the face of future reductions in expenditure • Embed the “Co-operative Council” concept in the way communities contribute to decision-making about the service • Consider an approach to the use of volunteers which is appropriate to Plymouth and its communities. <p>The objectives of the task and finish group is to make its recommendations on how the aims and objectives of the new service could be achieved, with particular emphasis on accessibility for people who do not have a local library and attracting people who do not currently use the service.</p>

6	Who will benefit?	<p>The scrutiny is an opportunity to consider how we use libraries in the city to the benefit of library users, council departments and partners. It would also specifically look at why people do not use libraries and what can we do to attract them.</p> <p>The task and finish group will enhance the current review process and will provide a particular opportunity for members and others to make their recommendations to cabinet/council.</p>
7	Criteria for Choosing Topics (see table at end of document)	<ul style="list-style-type: none"> • High budgetary commitment • Issue consistently identified by Members as key through constituency activity • Public interest issue covered in local media
8	What will happen if we don't do this review?	There would be no independent scrutiny of the library modernisation programme.
9	What are we going to do?	Task and finish group
10	How are we going to do it? (witnesses, site visits, background information etc.)	<p>Background information (to include RIEP report and recommendations on the review of library services in the SW and experiences of other councils that have recently undergone a similar exercise)</p> <p>Scrutiny reports supplied by officers</p> <p>Potential site visits</p> <p>Witnesses.</p>
11	What we won't do.	The task and finish group will not be an alternative for future community consultation should that need arise.
12	Timetable & Key Dates	<p>Task and Finish Group meetings – Sept/Oct 2012</p> <p>Task and Finish Group report to Customers and Communities OSP – 7 Nov 2012</p> <p>Task and Finish Group report to Overview and Scrutiny Management Board (Delegated authority required)</p> <p>Task and Finish Group report to Cabinet – 13 Nov 2012</p>
13	Links to other projects or initiatives / plans	Corporate plan
14	Relevant Overview and Scrutiny Panel / Membership if Task and Finish Group (to be decided by OSP before submission to OMB)	To be decided.
15	Where will the report go? Who will make the final decision	Task and Finish Group report to be considered by Cabinet on 13 November 2012 who will make final decision.
16	Resources (staffing, research, experts, sites visits and so on)	<p>Staffing – particularly from library services</p> <p>Research</p> <p>Witnesses</p>

17	Is this part of a statutory responsibility on the panel?	N/A
18	Should any other panel be involved in this review? If so who and why?	N/A
19	Will the task and finish group benefit from co-opting any person(s) onto the panel.	Yes – Co-opted person to be decided.
20	How does this link to corporate priorities?	The library modernisation programme links directly to Raising Aspiration, Reducing inequalities and Value for Communities.

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