

Devon and Cornwall Shadow Police and Crime Panel

Wednesday 25 July 2012

PRESENT:

Councillor Croad, in the Chair
Councillor Kennedy, Vice Chair
Councillors Barker, Boyd, Brown, Diviani, Folkes, Hare-Scott, Oliver, Penberthy, Robertson, Rowe, Saltern, Sanders, Williams and Wood.

Apologies for absence: Councillors Hicks and Edwards (substitute: Cllr Sutton)

Also in attendance: Giles Perritt (Head Policy, Partnership and Performance, Sarah Hopkins (Community Safety Manager), Judith Shore (Democratic and Member Support Manager)

The meeting started at 2.00 pm and finished at 4.30 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.

1. WELCOME AND INTRODUCTIONS

Mr Perritt, Head of Policy, Performance and Partnerships, PCC, welcomed everyone to the meeting.

Cllr Penberthy, PCC, also welcomed councillors and outlined the challenges that the Panel would face.

2. APPOINTMENT OF CHAIR OF DEVON AND CORNWALL POLICE AND CRIME PANEL

Mr Perritt reminded Members that the positions of Chair and Vice-Chair would be for one meeting only (unless the Panel needed to be convened again prior to the first, formal meeting). The first items of business of the first, formal Panel meeting would be the election of the Chair and the Vice Chair.

Mr Perritt suggested that, once the Chair and Vice Chair had been elected, a 15 minute adjournment could be allowed to enable them to meet with officers about the agenda items and the meeting's proceedings.

Ms Shore outlined the election process; if there were 3 or more candidates for the position and none had more than half of the votes, the candidate with the fewest votes would be eliminated and a new vote taken. This would continue until one of the final two candidates had more than half the votes or a simple majority.

Ms Shore reminded members that she had circulated, prior to the meeting, a statement from Cllr Kennedy and, at the meeting a statement, from Cllr Croad

outlining their reasons for wanting to undertake the position of Chair. Each candidate also verbally outlined their reasons.

Ms Shore asked for nominations for the position of Chair and both Cllrs Croad and Kennedy were nominated and seconded. She then put the nominations to the vote and Cllr Croad, who received the greatest number of votes, was **ELECTED**.

3. **APPOINTMENT OF VICE CHAIR OF DEVON AND CORNWALL POLICE AND CRIME PANEL**

The Chair asked for nominations for the position of Vice-Chair and both Cllrs Kennedy and Rowe were nominated and seconded. Each candidate also verbally outlined their reasons for wanting to undertake the position of Vice Chair. The Chair then put the nominations to the vote and Cllr Kennedy, who received the greatest number of votes, was **ELECTED**.

The meeting then adjourned for 15 minutes.

After the adjournment, the Chair announced that, for expediency, the agenda would be reorganised and items taken in the order set out below.

4. **DRAFT PANEL ARRANGEMENTS AND RULES OF PROCEDURE AND SUBMISSION TO HOME OFFICE ON PANEL COMPOSITION AND HOST AUTHORITY**

Mrs Hopkins, the Community Safety Manager, PCC, introduced the report and advised that the rules of procedure would be finalised once all relevant regulations and guidance had been received from the Home Office/Local Government Association and would be considered again at the first, formal Panel meeting.

The Chair confirmed that it would be more appropriate to use the term Vice Chair (rather than Deputy Chair) as this was the term familiar to most Members.

Ms Shore, Democratic and Member Support Manager, PCC reminded Members that agreement had already been reached that the two Independent Members must comprise one resident of, or person who works in, Devon (includes Plymouth and Torbay) and one resident of, or a person who works in, Cornwall (and the Isles of Scilly).

It had been suggested that one of the positions i.e. the Chair or the Deputy Chair of the Panel, could be filled by a member from Cornwall (and the Isles of Scilly) and the other position by a member from Devon (including Plymouth and Torbay) and advised the Panel that it may wish to add this criteria to the Panel Arrangements and Rules of Procedure?

Ms Shore highlighted that section 5 of the report outlined the recruitment and selection of Independent Members. Section 5.6 stated that, 'Each shortlisted candidate will subsequently be invited to address the Panel and answer questions for a time-limited period, following which the Panel will make its decision.'

It had been suggested that:

- if the Panel at its first, formal meeting was required to interview candidates (potentially 12 people) this relatively lengthy process could leave insufficient time to allow proper consideration of the other items of business.
- asking candidates to make a presentation and answer questions in front of a panel of 18 members may be intimidating for many people and the Panel would not want to discourage any application.
- due to members' existing commitments, it may be impractical to convene a further meeting of the entire Shadow Panel prior to the first, formal meeting.

Alternative arrangements could be that, at today's meeting, the Shadow Panel appointed a Selection Panel comprising six members: three from Devon (including Plymouth and Torbay) and three from Cornwall (and the Isles of Scilly). Each shortlisted candidate would subsequently be invited to address the Selection Panel and answer questions for a time-limited period, following which the Selection Panel would make recommendations to the Police and Crime Panel. Also, a small Panel of six members would be easier to convene.

Members discussed and were in broad agreement with the above proposals and also requested that:

- substitute members of the Panel should be allowed (Panel arrangements – section 7) as not all members would be able to attend each meeting and it was important for each authority to be represented at each meeting.
- Members of the public should be able to ask questions of the Panel more often than once a year (Panel arrangements – section 31). Most councils allowed public questions at each meeting.

AGREED:

(1) **to adopt the Panel Arrangements and Rules of Procedure as set out in the Appendix to the report subject to the following changes:**

- **Vice Chair (not Deputy Chair)**
- **Chair and Vice Chair to be selected on same principle as independent members (i.e. one from Cornwall/Isles of Scilly and one from Devon)**
- **the appointment of a Selection Panel for the recruitment of independent members**
- **substitute members to be allowed**
- **members of the public allowed to ask questions at each meeting**

(2) **Members of the Selection Panel (three from Cornwall/Isles and three from Devon) are:**

From Devon/Plymouth/Torbay (Cllrs Paul Diviani, Chris Penberthy and Philip Sanders) and from Cornwall/Isles of Scilly (Cllrs Lance Kennedy, Alec Robertson* and Jeremy Rowe)

*Cllr Robertson advised that he would, if Cllr Hicks so wished, give his place to Cllr Hicks (who had sent his apologies for absence to the meeting).

- (3) to review/update the Panel Arrangements and Rules of Procedure in light of further advice and Home Office regulations and provide an update to the fully constituted Panel when it meets in October 2012**

5. RECRUITMENT OF INDEPENDENT MEMBERS

Mrs Hopkins introduced the report and the proposal for process for recruitment of Independent Members of the panel and:

- advised of a correction to the wording of the advert – the term ‘fixed allowance’ should be corrected to ‘reasonable expenses’.
- highlighted that selection criteria had not been included (see p10, section 5.5 of rules of procedure) as they were not yet finalised - further guidance was awaited from the Home Office. She suggested that the criteria be agreed in consultation with the Chair and Vice Chair.
- reported that, in addition to the proposed networks for advertising for independent members, further options would include community and voluntary sector organisations, including Devon Reform and other partner agencies. Mrs Hopkins highlighted the need to avoid excessive advertising costs.
- proposed that Members agreed the framework for advertising, the advert itself and delegated the final arrangements for advertising and short listing of independent members to the Host Authority.

Members discussed and supported the proposals and pointed out a number of typographical errors which would be corrected.

AGREED that:

- (1) Appendices 1 – 3 attached to the report are a suitable framework on which to base the initial selection of independent members for short listing and interview subject to the selection criteria being finalised in consultation with the Chair and Vice Chair.**
- (2) the advert attached to the report at Appendix 4 is a suitable advert for recruitment of the independent members subject to the term ‘fixed allowance’ being replaced with ‘reasonable expenses’.**
- (3) the Host Authority, in consultation with the Chair and Vice**

Chair, will agree the final arrangements for advertising and short listing of independent members.

6. INDUCTION FOR MEMBERS OF POLICE AND CRIME PANEL

Mrs Hopkins introduced the report. She advised that, though it wasn't stated in the report, the 'Equality Duty' and Rehabilitation of Offender Act 1974 (which supported the rehabilitation into employment of reformed offenders who have stayed on the right side of the law) would be included in the Induction Programme. She asked Members to consider the proposed induction programme and delegate the organisational arrangements to the Host Authority.

Members would be sent an analysis form to complete which would inform the content of the induction programme.

Cllr Penberthy suggested that the training programme included an initial 'induction' session, complemented by a programme of topical induction/training on the day of, and prior to, each scheduled Panel meeting (which would minimise the number of meetings that Panel Members were required to attend). This would ensure that Members were fully briefed and gained appropriate skills and knowledge in a timely way which would assist them to conduct their business efficiently and effectively. The Panel may also wish to consider a programme of scrutiny topics with regards to the work of the Commissioner and it could be helpful to consider an introduction/refresher on scrutiny methods and processes.

Members were in broad agreement with those suggestions.

AGREED:

- (1) the induction programme, based upon the proposals outlined in the report and at the meeting**
- (2) to delegate authority to the Host Authority for decisions on content, detailed arrangements and the training provider(s) in consultation with the Chair**
- (3) that Members will complete and return the analysis form which will inform the content of the induction programme**

7. NOTIFICATION OF PANEL TO THE HOME OFFICE

Mr Perritt explained the background to the notification to the Home Office and asked Members to declare whether any authority wished to be identified as 'failing to nominate' for Home Office notification. (The deadline for return had been extended by the Home Office from 16 July to not later than the end of July 2012.

No Member responded to this request, therefore it was **AGREED that the membership of the Police and Crime Panel, as stated on pages 9 and 10 of the agenda, would be notified to the Home Office.**

8. **WHAT WILL A SUCCESSFUL POLICE AND CRIME PANEL LOOK LIKE FOR DEVON AND CORNWALL - TO INCLUDE AN UPDATE ON 'VETO' PROCESS AND OPPORTUNITY FOR QUESTIONS**

Mr Chris Williams, Senior Advisor – Community Safety, Local Government Association gave a PowerPoint presentation about the new arrangements and the current process for using the veto and how to achieve a successful panel. He advised that the draft regulations would undoubtedly change before October. The presentation was followed by questions and answers which included:

- a minimum of 4 meetings a year would be required. However, additional meetings would be required in the first year in order to achieve objectives in a short period of time
- timescales were extremely tight
- training was required so that Members fully understood their role
- the consequences of the use of the power of veto were extremely limited and the purpose of the procedure was questioned.

Members were asked to submit any comments/feedback about the power of veto or any other matter relating to the proposed arrangements for the Police and Crime Panel to Mrs Hopkins who would forward any responses to the Home Office.

The Chair thanked Mr Williams for his presentation.

9. **WORK PROGRAMME**

Mrs Hopkins introduced the work programme and advised that it may be subject to considerable change before October, due to regulations being made/amended and advice/interpretation becoming available.

AGREED the draft work programme is noted and will be subject to further changes.

10. **DATE OF NEXT MEETING**

The Chair advised that, further to consultation with all Members, there were only a limited number of dates available in October for the Panel to hold its first, formal meeting.

After discussion, it was **AGREED that the date for the first, formal meeting of the Panel is Monday 22 October (in Plymouth).**

(Members will be required to attend for the entire day to allow for training/briefing and the Panel meeting.)

It was suggested that the fourth Monday of the month may be suitable for subsequent meetings and Mrs Shore undertook to consult all members about potential meeting dates.

