

PLYMOUTH CITY COUNCIL

Subject: Police and Crime Panel
Committee: City Council
Date: 25 June 2012
Cabinet Member: Councillor Penberthy
CMT Member: Carole Burgoyne, Director for People
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Ref: PA/SH/PCP
Key Decision: No
Part: I

Executive Summary:

The Police Reform and Social Responsibility Act 2011, contains requirements to establish a Police and Crime Panel (Panel) to provide a check and balance (or "scrutiny role") for the elected Police and Crime Commissioners (PCC). There will be one Panel and Commissioner for each Police force and 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 are established and a host authority agreed in each Force area. In the event that no panel is established, the Home Secretary will have the power to set up a panel and impose arrangements. Immediately following this, Panels will be required to have met at least once prior to the election of the PCC on 15 November 2012.

Agreement was reached in the summer of 2011 that Plymouth City Council, in liaison with other councils, would lead on work to develop the Panel for our Force area.

Discussions and negotiations over panel composition have been taking place over the last few months resulting in agreement being reached amongst 12 of the 13 local authorities in our force area. Torbay, at the time of writing this report, are the only area who have not agreed to the composition. Work has however continued concerning 'Panel Arrangements and Rules of Procedure' and developing a work-plan and time-table for the Panel.

This report recommends 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 become host authority,

Corporate Plan 2012-2015:

The establishment of 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 will be 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. The recommendations in this report aim to ensure Plymouth is in 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 and Reasons for recommended action:

It is recommended that the Council -

1. Agrees the Panel composition as set out in this report
2. Offers to be the 'host authority' for the Panel for the first year, and reviews its position on this in March 2013.
3. Appoints the Council's representatives on the panel
4. Notes the attached Draft 'Panel Arrangements and Rules of Procedure' and delegates authority to the Monitoring Officer in consultation with the Leader and relevant portfolio holder to agree any amendments.
5. Subject to the agreement of (1) and (2) above, to amend the Council's constitution to include the addition of the Police and Crime Panel as a Joint Committee.
6. Pays an Allowance of £920 to members of the panel for the first year (in line with the requirements of the home office)
7. Agrees to pay the two independent members travel, subsistence and the carers' allowance in accordance with the Members Allowance Scheme.

Agreeing these recommendations allows us to meet the requirements for establishment of a Panel and with regard to hosting, puts Plymouth in a strong position of influence over crime and disorder matters force-wide.

Alternative options considered and reasons for recommended action:

If the Council does not endorse proposals for a Police and Crime Panel there is a risk that the Home Secretary will seek to impose an alternative model, for example based on the minimum size permitted which would reduce Plymouth's representation. Further delay would also risk preparations for the Panel's establishment being inadequate, and thereby reducing its ability to influence key decisions which will be taken by the new Police and Crime Commissioner soon after their election.

Plymouth City Council does not have to offer to be the host authority, and could leave it to one of the other Authorities to undertake this. This would reduce Plymouth's influence force-wide.

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. Draft 'Panel Arrangements and Rules of Procedure' (attached at Appendix 1)
4. Equality Impact Assessment

Sign off:

Fin	DJN1 213.0 04	Leg	TH00 45	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											

1.0 Introduction

- 1.1 The Police Reform and Social Responsibility Act 2011, contains requirements to establish a Police and Crime Panel (Panel) to provide a check and balance (or "scrutiny role") for the elected Police and Crime Commissioner (PCC). There will be one Panel and Commissioner for each Police force and these arrangements replace Police Authorities.
- 1.2 The Secretary of State wrote to all Local Authorities on 23 January 2012 requiring that, by July 2012, Panels are established and a host authority be agreed in each force area. Immediately following this, Panels will be required to have met at least once prior to the election of the PCC on 15 November 2012.
- 1.3 Agreement was reached in the summer of 2011 that Plymouth City Council, in liaison with other councils, would lead on work to develop the Panel for our force area.
- 1.4 Discussions and negotiations over panel composition have been taking place over the last year and progress is outlined below together with further information about the role of the Panel.

2.0 Panel Functions

- 2.1 The Panel has a series of functions, referred to as 'Special Functions' 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.
- 2.2 The Panel will have 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 will also have 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.
- 2.3 The 'Special Functions' are laid out in the table below:

	SPECIAL FUNCTION	Reference²
1	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)

² Police Reform and Social Responsibility Act 2011

3	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 10 – 11
4	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	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)

3.0 Panel Membership

- 3.1 Devon, Cornwall and the Isles of Scilly is a Force area comprising 13 participating authorities, and the Act states the Panel must 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.
- 3.2 The legislation requires Councils to have regard to proportionality of appointments both geographically and politically, though the exact requirements are not stipulated and detailed arrangements for this have been left to local areas to determine. However, this has given us an opportunity to consider increasing the panel size up to the maximum of 20 to help address the proportionality issues.
- 3.3 The Panel is also required to co-opt two independent members for a term of four years, (starting in 2012) and must 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. Independent members must be residents of Devon, Cornwall or the Isles of Scilly.

4.0 Issues

- 4.1 Establishing a panel of 13 (the minimum in our case, plus the statutory two co-opted independent, non-councillor, members) has raised serious concerns over proportionality. Early on in 2011, Cornwall expressed strong opposition to any panel of this nature, because it would have only have one seat, compared to 9 for Devon. Similarly, Plymouth would be under-represented when taking population into account.
- 4.2 Agreement was reached across Local Authorities on the principle of increasing the size of the panel, which offers some opportunities to address proportionality.
- 4.3 This means that seats can be allocated based on numbers which better reflect population (including an increase from 1 to 5 for Cornwall and from 1 to 2 for Plymouth).
- 4.4 However the Panel is constituted, it is acknowledged there are challenges with delivering proportionality and any solution will be imperfect.

5.0 Progress

- 5.1 Plymouth has been very mindful of the different concerns associated with this and has tried to facilitate discussions and compromise to arrive at the proposed model, within legislative constraints.
- 5.2 Plymouth has consulted widely with other Authorities on this proposed model over the last year in writing, face-to-face and over the phone.
- 5.3 Taking account of the legislation and geographical proportionality as far as practicable, and through informal discussions between Authorities, there is support from 12 of the 13 local authorities for a Panel membership made up of 20 members as follows:

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

- 5.4 Each local authority would need to determine who their representative(s) on the Panel will be from amongst members of their authority. In terms of political proportionality, the allocation of seats on the panel will be based on the political make-up of the authority.
- 5.5 At the time of writing this report, Torbay is the only Local Authority which has not agreed to the composition, because it feels it should have 2 seats. Because of legal restrictions on the size of the Panel and the requirement for every local authority to have at least one representative this would require allocating one of Cornwall's or one of Plymouth's seats to Torbay. As an alternative, Torbay has suggested Devon's independent seat should be allocated to a resident of Torbay. This would mean that no resident from Plymouth or the rest of Devon could be considered for independent membership of the Panel. Discussions are continuing to try and resolve the situation. The Local Government Association (LGA) has recently advised that this position should not halt preparations, including the establishment of a Shadow Panel.

6.0 Panel Arrangements and Rules of Procedure

- 6.1 It is a requirement in the Police Reform and Social Responsibility Act that Panels have in place agreed 'Panel Arrangements and Rules of Procedure'.

6.2 Plymouth has already drafted these (see Appendix I) for consultation with other Authorities and when the consultation is complete these will need to be formally signed off by the Panel.

7.0 Panel Members' Expenses

7.1 The Home Office will provide the Host Authority with £920 per Panel member (including up to the maximum of 20) to cover Panel Member Expenses. This funding will be provided pro-rata for the first year, and confirmation about future funding arrangements is awaited.

8.0 Running Costs

8.1 Funding will be provided by the Home Office to the authority hosting the panel and panel/administration costs (approx £53K) which will be provided pro-rata for the first year. Confirmation about future funding arrangements is awaited. The Home Office has been very clear that Police and Crime Panels should meet no more than four times a year and is of the view that the funding it has provided will cover this.

8.2 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.

9.0 Conclusion

9.1 Although reaching an agreement on the Panel composition has been problematic, it is important that preparations for other aspects of the Panel's work continue and we reach agreement on the 'Panel Arrangements and Rules of Procedure' as soon as possible. A meeting of the Shadow Panel is therefore being arranged. This will give us the best opportunity of establishing a Panel which can influence the Police and Crime Commissioner effectively. Plymouth hosting the Panel provides a further opportunity to ensure we maximise our influence over this work.