

DEVON AND CORNWALL SHADOW POLICE AND CRIME PANEL

Subject: PANEL ARRANGEMENTS AND RULES OF PROCEDURE

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Executive Summary:

Schedule 6 of the Police Reform and Social Responsibility Act 2011 (“the Act”) provides that a Police and Crime Panel must make Panel Arrangements and Rules of Procedure for the Panel. These need to be adopted by the Police and Crime Panel at its first meeting.

All local authorities in the Devon and Cornwall police area are required to agree arrangements for the establishment of the Police and Crime Panel, including panel composition and host authority. If local agreement is not reached by the Home Office deadline of 16 July 2012 then the Secretary of State may impose arrangements.

The Draft Panel Arrangements and Rules of Procedure were developed by Plymouth City Council and sent out for consultation to all 13 local authorities on the 7th June 2012 requesting comments by 18th June 2012. There were two replies, both of which were supportive. The Police Authority has also provided some feedback, which has been incorporated including clarifying the difference between Functions and ‘Special Functions’ of the Panel and the required Panel Membership to exercise a veto. The updated draft Panel Arrangements and Rules of Procedure are attached (Appendix 1).

The Panel Arrangements and Rules of Procedure include arrangements for:

- Functions and Special Functions of the Panel
- Host Authority
- Panel Membership
- Recruitment and selection of independent members
- Appointing the Chair/Deputy Chair of the Panel

It is recommended that these Panel Arrangements and Rules of Procedure are adopted for the Shadow Panel, reviewed/updated in light of any further Home Office regulations and advice, and the fully constituted Panel be asked to adopt a final version, updated, as necessary at its first meeting.

Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure:

Agreement of Panel Arrangements and Rules of Procedure is fundamental to the Panel’s establishment and its ability to influence key decisions which will be taken by the new Police and

Crime Commissioner soon after their election.

Implications: resources including finance, human and IT:

- 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 specialist advice.
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Recommendations & Reasons for recommended action:

It is recommended that the Devon and Cornwall Shadow Police and Crime Panel:

1. Adopts the Panel Arrangements and Rules of Procedure set out in the Appendix.
2. Agree to review/update the document in light of further advice and Home Office regulations and provide an update on this to the fully constituted Panel when it meets in October 2012.

Agreeing these recommendations will allow the Shadow Panel to operate effectively and ensures the Panel becomes fully constituted in order to scrutinise and support the Police and Crime Commissioner, when elected, with the effective exercise of their functions.

Alternative options considered, and reasons for recommended action:

If the Shadow Panel and/or Panel does not agree Panel Arrangements and Rules of Procedure the delay would 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, nor does the Panel have to accept this offer (and could leave it to one of the other Authorities to undertake this).

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. Devon & Cornwall Police & Crime Panel Arrangements and Rules of Procedure (draft)
 4. Letter and Guidance to Local Authority Leaders from the Home Secretary dated 15 June 2012
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1.0 Introduction

1.1 Schedule 6 of the Police Reform and Social Responsibility Act 2011 ("the Act") provides that a Police and Crime Panel must make Panel Arrangements and Rules of Procedure for the Panel. These need to be adopted by the Police and Crime Panel at its first meeting. Draft Panel Arrangements and Rules of Procedure are attached (Appendix I).

1.2 The purpose of the Panel Arrangements and Rules of Procedure are to set out clearly the operations and conduct of the Panel. As required by law, the Panel Arrangements and Rules of Procedure make provision for carrying out the functions (including special functions) of the Panel, including the scrutiny of the police and crime plan, the scrutiny of the annual report, the scrutiny of senior appointments and the issuing of precepts. They also detail the procedures relating to the handling of complaints and conduct matters.

2. Legislative Context and Background

2.1 The Panel must adopt Panel Arrangements and Rules of Procedure in accordance with the requirements of the Act. Panel Arrangements and Rules of Procedure are the 'standing orders' governing the conduct of meetings of the Panel and of any task groups it establishes. This must reflect the law in the Act, as well as local government legislation. For example, Panel Arrangements and Rules of Procedure make provision for the appointment, resignation and removal of a person to chair the Panel, cover decision making, the formation of task groups, make arrangements for convening meetings and outline how independent members are appointed..

3. Adopting Panel Arrangements and Rules of Procedure

3.1 Subject to the statutory requirement to make provision in relation to the Panel chair, the Panel is given the power to adopt its Panel Arrangements and Rules of Procedure in whatever form it sees fit. There are a wide range of options available to the Panel with regard to how it conducts its business.

3.2 The draft proposed is based on versions of Panel Arrangements and Rules of Procedure that have been written and adopted by Panels in other Force Areas and using LGA Guidance.

3.3 The Draft Panel Arrangements and Rules of Procedure have been developed by Plymouth City Council and sent out for consultation to all 13 local authorities on the 7th June 2012 requesting comments by 18th June 2012. There were two replies, both of which were supportive. The Police Authority has also provided some feedback, which has been incorporated including clarifying the difference between Functions and 'Special Functions' of the Panel and the required Panel Membership to exercise a veto.

3.4 At its Full Council meeting held on 25th June 2012, Plymouth City Council agreed to offer to be the 'host authority' for the Panel, and review this in March 2013. It was also agreed to amend the Council's constitution to include the addition of the Police and Crime Panel as a Joint Committee.

3.5 There are still two sets of regulations that the Home Office will be putting through parliament in relation to panels between now and the Autumn, and the document may need to be revised or updated accordingly. These are:

- regulations covering the exercise of the veto powers of the panel over the precept and appointment of the chief constable
- regulations governing which existing legislation and regulations about the operation of local authority committees (such as the Local Government Act 1972) apply to police and crime panels²

² As Panels are formulated as part of the 2011 Act, no existing local government legislation applies to how they work. The LGA are of the view that as much as possible of the existing local government committee related legislation applies to panels, but Home Office direction on this is awaited.

Additionally, further advice and guidance is expected on:

- Vetos,
- “The first 139 days” (22.11.2012-31.03.2013) and timetabling
- Panel Member Induction
- Role of Panel as ‘scrutiny’ body, and links to Overview and Scrutiny Committees for Community Safety and Panels working across force borders.
- Confirmation Hearings
- Guidance on the handling of non-criminal complaints (however, this is likely to be very ‘light touch’).

4.0 Conclusion

Adopting Panel Arrangements and Rules of Procedure will enable the Shadow Panel to comply with the law, enable the Panel to undertake the next crucial steps between now and the next meeting to ensure the Panel becomes fully constituted, including the recruitment of the Independent Members, in order to carry out its functions (including special functions), and scrutinise and support the Police and Crime Commissioner, when elected, with the effective exercise of their functions.