

PLYMOUTH CITY COUNCIL

Subject: Update on Police and Crime Panel
Committee: Customer and Communities Overview and Scrutiny Panel
Date: 12th 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
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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](#).