

PLYMOUTH CITY COUNCIL

Subject:	Update on Police and Crime Panel
Committee:	Customer and Communities Overview and Scrutiny Panel
Date:	7 th November 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 an update on the developments of the Police and Crime Panel for Devon and Cornwall.

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, along with Plymouth's offer to be Host Authority.

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. The Home Office has since replied on 14th September 2012 formally approving the proposed composition of the Panel (see Appendix 1)

The Devon and Cornwall Police and Crime Panel held its first fully constituted meeting on Monday 22nd October 2012, which included the independent (non councillor) members and this was followed by a programme of initial induction.

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 25 July 2012²
4. Letter from Stephen Rimmer in the Home Office, dated 31 July 2012
5. Letter from Stephen Rimmer in the Home Office, dated 14 September 2012
6. 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 an update on the developments of the Police and Crime Panel for Devon and Cornwall.
- 1.2 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, along with Plymouth's offer to be Host Authority.
- 1.3 The Host Authority, Plymouth City Council were able to complete and submit the formal return to the Home Office on the 26th July 2012. The Home Office has since replied on 14th September 2012 formally approving the proposed composition of the Panel (see Appendix 1)
- 1.4 The Devon and Cornwall Police and Crime Panel held its first fully constituted meeting on Monday 22nd October 2012, which included the independent (non councillor) members and this was following by a programme of initial induction.

2.0 POLICE AND CRIME PANEL MEETING – 22 OCTOBER 2012

- 2.1 At the first fully constituted Police and Crime Panel for Devon and Cornwall, held on 22 October 2012, the Panel voted in favour of the appointment of the Chair (Cllr Roger Croad, Devon County Council) and Vice Chair (Cllr Lance Kennedy, Cornwall Council).
- 2.2 A report was provided to the Panel regarding the recruitment and selection process, and the Selection Panel's recommendation for the two independent (non-councillor) members that will sit on the Panel for a term of four years. The advert, which went out over the summer and was placed across a variety of media in Devon, Cornwall and the Isle of Scilly, sought candidates living and/or working in Devon and Cornwall. The closing date was 14 September. Over 60 enquiries/application packs were requested and a total of 20 applications were received. Applications were shortlisted against the agreed selection criteria by Host Authority officers in liaison with the Shadow Chair and Shadow Vice Chair. 9 candidates were shortlisted for interview.
- 2.3 On 5th October, the Selection Panel (Cllrs Diviani, Kennedy and Penberthy) interviewed the 9 shortlisted candidates. It was hoped a female member of the Police and Crime Panel would be able to participate, but for personal reasons, this was not possible. After very careful consideration, the Selection Panel agreed on two candidates, Yvonne Atkinson (independent member for Devon, including Plymouth and Torbay) and Mike Firbank (independent member for Cornwall and the Isles of Scilly). This was agreed by the Panel.
- 2.4 The Panel were provided with and discussed an updated "Draft Panel Arrangements and Rules of Procedure", the most significant updates of which included vetoing the precept and chief constable appointments in light of recent regulations. A number of further amendments were suggested, and the Panel acknowledged that this document remained subject of further updated as regulations and guidance were still awaited, specifically in relation to the handling of non-criminal complaints about the Police and Crime Commissioner, and confirmation hearings. Further amendments and updates will be made in consultation with the Panel.
- 2.5 The Panel were provided with a report regarding the implications of the "Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012" which comes into force on 22nd November. The item focused on the Precept element and the associated

impact on the Panel in terms of its responsibilities and the exceptionally tight timescale placed upon it and raises a number of concerns.

- 2.6 Firstly, the date by which the PCC has to notify the Panel of his/her proposed level of precept has changed, this was originally 21 December, but the Regulation has changed this to 1 February, leaving only one week for the Panel to receive reports and respond (8 February). The same period applies to the arrangements for a revised precept following any veto.
- 2.7 If the Panel exercises its power of veto, there will be a requirement for negotiations, reports and a number of meetings involving the Host Authority and the Panel between 8th February and 22nd February.
- 2.8 Of significant concern, is that if the PCC takes the maximum time to respond to the Panel's second report (and any recommendations) following a veto, he/she doesn't have to notify the Panel until 1 March of their final level of precept, and therefore may not likely be known in time for most, if not all, council's budget-setting timetables.
- 2.9 The Panel noted the impact, and provisionally agreed to meeting dates (8 February and 22 February 2013) in order to review, report and make recommendations on the precept.
- 2.10 The Panel agreed that the Chair of the Panel seek talks as early as possible with the PCC to seek and maximise opportunities for cooperation and earliest notifications of precept levels.
- 2.11 The Panel also agreed to make strong representations in writing to the Home Office about this regulation, in liaison with all other Panels across the country, expressing the Panel's concerns as follows:-
 - This very short timescale appears to be arranged to allow maximum time for the Commissioner, at the expense of the Panel's time to respond, and does nothing to promote effective democratic oversight and scrutiny of the issue;
 - The deadlines in Regulations (in February and March) take no account of the budget-setting processes of Local Authorities which need to know the precept earlier than this to allow effective planning;
 - The timescales effectively make it impossible for the Panel to apply the provisions of the Local Government Act with regard to publishing a report by the required period in advance of the meeting(s).
- 2.12 The Panel were provided with a 'Draft Memorandum of Understanding' which had been written by the Police Authority who asked that the Panel be invited to comment on its content. The Panel agreed that the document was 'one-sided' and problematic in other ways, and therefore rejected the document in favour of seeking talks with the PCC, when elected, to discuss ways of working together.
- 2.13 The Panel were then provided with an updated 'Work Programme' setting out proposed dates for the Panel to meet between now and the end of March. It was agreed that it would be almost impossible to find a particular day of the week that would suit all members. A compromise was reached and the Panel agreed to alternate dates to accommodate the Isles of Scilly travel and other members' commitments.

3.0 POLICE AND CRIME PANEL INDUCTION – 22 OCTOBER 2012

- 3.1 Following the main Panel meeting, a programme of induction was provided. This has been developed following an audit of Panel Member's induction/training requirements. The first session was a facilitated session covering 'The Principles of Working in Partnership/Effective Partnership Working' and sought to understand from Members what they would like to be said about the Panel's performance in 12 months time.
- 3.2 The Panel were then given a presentation by the Police Authority on their experience of setting the precept previously and how the officers of the Police Authority could assist the Panel with this challenge in the future.
- 3.2 The Panel were given a presentation by a Senior Advisor the Local Government Association, who provided them with an update on forthcoming regulations, and guidance affecting the Panel.



Home Office

Stephen Rimmer
Director General
Crime and Policing Group
3rd Floor Peel, 2 Marsham Street, London SW1P 4DF
Tel 020 7035 1440

Bob Coomber
Chief Executive
Plymouth Council

By email

14 September 2012

Dear Bob,

I would like to thank you for submitting your signed Part 2 of the PCP notification form requesting Home Secretary approval for the co-option of additional members to the Devon and Cornwall Police and Crime Panel.

2. The Home Secretary has considered the PCP's request and has noted that co-option is sought with a view to enabling the PCP to meet, or better meet, the balanced appointment objective. I can confirm that the Home Secretary has formally approved the request for co-option.
3. If you require further information please contact Heather Vivian on 020 7035 3197 or via e-mail at policeandcrimepanels@homeoffice.gsi.gov.uk

Yours sincerely

STEPHEN RIMMER