

POLICE AND CRIME PANEL
(Report of the Head of Legal & Democratic Services)

1. INTRODUCTION

- 1.2 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (commissioners).
- 1.3 The public accountability for the delivery and performance of the police service within each force area will be placed into the hands of the commissioner on behalf of their electorate. The commissioner will draw on their mandate to set and shape the strategic objectives of their force area in consultation with the chief constable. The commissioner will be accountable to their electorate; the chief constable will be accountable to the commissioner.

2. POLICE AND CRIME PANEL

- 2.1 The Act also requires the local authorities in each police force area to establish a police and crime Panel ("Panel"), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the Panel and the way in which it conducts its business.
- 2.2 According to the Home Office, "Panels are not a replacement for the police authority. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected police and crime commissioner not through the police and crime Panel. The Panel will have an important scrutiny role in relation to the commissioner, however it is the commissioner who is taking on the role of the police authority and who the public will hold to account for the performance of their force."
- 2.3 The Panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
- the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
 - the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
 - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
 - the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;

- the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
- the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
- the power to require the commissioner to attend the Panel to answer questions;
- the power to appoint an acting commissioner (from within the commissioner's staff) when the elected commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
- responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

2.4 Terms of reference for the Panel are included at Appendix A however until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the Panel's powers will be limited to those necessary to prepare itself. The various constitutions of the Cambridgeshire authorities will require amendment in due course to incorporate the terms of reference although this will be a subsequent decision for Council

2.5 The Home Secretary has reserve powers to establish a Panel and to appoint members to the Panel, if any local authority fails to do so. The authorities are required to notify the Secretary of State of their nominations and appointment of their various councillors to the Panel by the 16 July 2012.

3. DEVELOPING THE PANEL ARRANGEMENTS

3.1 It is proposed in this report that the seven Cambridgeshire local authorities each agree the Panel arrangements, establishing it as a joint committee, and appoint their member(s) of the Panel in accordance with the Panel arrangements. This will allow time for the Panel, before the commissioner is elected, to appoint co-opted independent members; agree the Panel's rules of procedure; be briefed on relevant issues; and agree the Panel's work programme for its first year.

3.2 Heads of Legal Services from the seven local authorities have recently been consulted on the arrangements for the Cambridgeshire Police and Crime Panel. These arrangements take the form of an agreement setting out the manner in which the authorities will provide support to the Panel and are included at Appendix B. The terms of the Panel arrangements are largely prescribed by Schedule 6 of the Police Reform and Social Responsibility Act 2011

4. PANEL MEMBERSHIP

- 4.1 The lead local authority for this process, Cambridgeshire County Council, has facilitated discussions between the local authorities to enable them to fulfil their duty to secure (as far as is reasonably practicable) that the appointed members represent the political make-up of the local authorities within the police area (when taken together).
- 4.2 In Cambridgeshire, it has been agreed that the Panel should comprise eleven Councillors: one from each of the District or Borough Councils, three members each from the County and Peterborough City Council.
- 4.3 Under the terms of the Act if the Panel is greater than the 10 members required, the additional member is considered to be a co-opted member and will require the approval of the Secretary for State. If approved, a subsequent resolution of the Panel will also be required. A joint application for consent for the additional member is being made to the Secretary for State by the Cambridgeshire County Council and Peterborough City Council.
- 4.4 A further two independent members (not councillors) must be co-opted by the Panel. When co-opting the independent members, the Panel must ensure that, as far as is reasonably practicable, the appointed and co-opted members together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 4.5 It is proposed that one Conservative member is nominated and appointed to the Panel.

5. SUPPORT FOR THE PANEL

- 5.1 It has been agreed that Peterborough City Council will be the host local authority for the Panel and, within the overall budget agreed annually by the seven local authorities, will support the Panel and its members. This support will be led by a lead officer from the host authority supplemented as required by additional specialist officers (eg finance officers when advising the Panel on the commissioner's proposed budget and precept, legal officers when advising the Panel on dealing with any complaints against the commissioner).
- 5.2 It is proposed that the costs of the Panel, including support for the Panel, will be contained as far as possible within the grant to be provided by the Home Secretary to the host local authority but if that grant is exceeded the excess be shared equally. The annual grant will be £53,330 plus £920 towards expenses per Panel member, subject to review by the Home Secretary in future. The LGA has lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the Act requires that Panel arrangements make provision about how the local authorities are to share the costs of the Panel.

- 5.3 To avoid a burden on the budget of the Panel it is proposed that each authority determine whether and if so what allowance should be paid to its representative on the Panel.
- 5.4 The Act requires that the Panel arrangements set out how support and guidance will be given to elected members and officers of the local authorities in relation to the functions of the Panel. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the local authorities before the commissioner is elected and annual briefing sessions in each following year.

6. RECOMMENDATIONS:

6.1 It is recommended that:

- (a) The Cabinet agrees to establish the Cambridgeshire Police and Crime Panel as a joint committee of the local authorities as defined in Section 28 of the Police Reform and Social Responsibility Act 2011.
- (b) The Cabinet nominates and appoints one member and one substitute member to the Panel.
- (c) The Cabinet agrees the substance of the Panel arrangements in accordance with schedule 6 of the Police Reform and Social Responsibility Act 2011 and agrees to delegate authority to the Head of Legal and Democratic Services to finalise the precise wording as necessary.

BACKGROUND PAPERS

Appendix 1 – Terms of reference for the Cambridgeshire Police and Crime Panel
Appendix 2 - Panel arrangements for the Cambridgeshire Police and Crime Panel

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