

Executive Decision Report

POLICE AND CRIME PANEL

Decision to be taken by: City Mayor

Decision to be taken on:

Lead Directors: Kamal Adatia & Miranda Cannon



City Mayor

Useful information

- Ward(s) affected: All
- Report author: Kamal Adatia
- Author contact details: 29 6302
- Report version number: 1

1. Summary

To seek the agreement of the Executive to the Arrangements (Appendix A) and Terms of Reference (Appendix B) for the operation of the Police and Crime Panel, and to obtain the decision of the City Mayor to appointments thereto.

2. Recommendations

The Executive is recommended to:-

- (a) agree the Panel Arrangements as required by the Police Reform and Social Responsibility Act 2011 and as set out in Appendix A to this report;
- (b) agree the Panel Terms of Reference as Arrangements as required by the Police Reform and Social Responsibility Act 2011 and as set out in Appendix B to this report;
- (c) agree, as a matter of principle, that co-option of members from constituent authorities should be used to secure the balanced appointment objectives in relation to political balance and representation of the area covered by Leicestershire Police;

The City Mayor is recommended to:

- (d) Determine the membership of the four City Council Labour members, in accordance with the provisions set out in section 5.2 below

Reasons for Recommendations

The steps set out in the recommendations are required in order to establish the Police and Crime Panel and to advise the Home Office of actions taken, as required by the Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012.

3. Supporting information including options considered:

Timetable for Decisions (including Scrutiny)

On 15 June 2012, the Home Office issued a letter requiring host authorities for the purpose of the Police and Crime Panels to complete and return a pro-forma by 16 July 2012, including a statement that the local authorities in the Force area have agreed the Panel arrangements. As there are ten local authorities in the Force area, the Home Office has been advised that it will not be possible to meet this requirement, but that the appropriate decision-making processes will be followed as quickly as possible in order to achieve the appropriate outcomes.

It is intended that Police and Crime Panels should come into existence on 23 November 2012, following the election of a Police and Crime Commissioner on 15 November. However, further regulations and guidance from the Home Office are awaited. The Home Office has indicated that it would support the establishment of “shadow” panels which would have no statutory powers from an earlier date; further advice may be issued.

Policy Framework and Previous Decisions

As noted above, the relevant provisions of the Police Reform and Social Responsibility Act will come into effect on 23 November 2012.

Resources Implications

The County Council was originally advised by the Home Office that £30,000 would be made available to support the work of the Police and Crime Panel. As this was generally regarded as insufficient, a growth bid was agreed by the County Council at its budget meeting on 22 February 2012 of £100,000 for the operation of the Police and Crime Panel. It is now understood that the Home Office is likely to make funding of £53,000 available. The Panel arrangements, as set in Appendix A, enable the County Council, as host authority, to approach the constituent authorities for a contribution in the event that the cost of running the Panel exceeds the Home Office funding.

4. Details of Scrutiny

None required. The appointment of members to joint committees exercising Executive functions is a matter for the City Mayor. The work of the Panel itself, once established, will no doubt inform the work of the Council through channels that are to be decided.

5. Financial, legal and other implications

5.1 Financial implications

It is anticipated that the Home Office will be making funding available to Leicestershire County Council, as host authority, of £53k. It is expected that this amount should be sufficient to fund the cost of the panel however it should be recognised that the work of the panel may result in additional costs over and above this sum. As a constituent authority there would be an expectation to contribute to any additional costs. Should such a situation arise it is expected that these costs would be minimal and be able to be contained within existing democratic support budgets. Any such request would however, be rigorously scrutinised.

Alison Greenhill, Director of Finance

5.2 Legal implications

The Panel will be hosted by the County Council and it will have as its focus the work of the Elected Police Commissioner. It will have wide powers to make decisions (veto appointments, challenge budget), as well as scrutinise. The proposals put forward by County for membership insofar as they relate to the City have been passed by the County's Executive, and are being presented to the relevant decision-making bodies in each constituent LA for approval. Consensus is required.

It is proposed that the City Council would have one mandatory and three co-opted members. All four would have voting rights. The three co-optees could not actually be co-opted until the core Panel had their first meeting, but we are being asked to identify all of our appointments at this stage.

Through a combination of Article 4.02 and 12.02 of the Council's Constitution the functions of the Police & Crime Panel are Executive Functions (because they have important decision-making and complaint-handling powers), appointment of which is to be determined therefore by the City Mayor. Article 12.02 prescribes rules for appointment. Article 12.12c suggests that the four members must be Executive Members. Article 12.02e. suggests that because this joint committee will serve more than 5 LAs, the City Mayor can also appoint non-Executive members. Political balance does not apply, and in any event the Council are being asked to appoint 4 Labour Members specifically, in order to comply with the rules for the statutory make-up of the Panel. (Kamal Adatia, City Barrister)

5.3 Climate Change and Carbon Reduction implications

None

5.4 Equality Impact Assessment

No impact

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

6. Background information and other papers: Police Reform and Social Responsibility Act 2011; Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012.

7. Summary of appendices: App A (Panel Arrangements; App B (Terms of Reference)

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

1. Is this a “key decision”?

No

**Leicestershire Police and Crime Panel Arrangements
(to be agreed by all relevant local authorities)**

Operating arrangements

1. Leicestershire County Council shall act as the host authority in establishing and running the Police and Crime Panel, including providing the necessary administrative and financial support.
2. The clerk to the Panel shall be appointed by the host authority.
3. The host authority will be responsible for reviewing the membership of the Panel in the light of the balanced appointment objective and making a recommendation to the Panel or relevant local authorities as appropriate as to the make-up and membership of the Panel.

Membership

4. The Panel shall be made up of a minimum of 10 Councillors and two Independent Members.
5. The elected membership shall consist of the elected City Mayor of Leicester (or his nominee), one Councillor each from Leicestershire County Council, Rutland County Council, Blaby District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, North West Leicestershire District Council and Oadby and Wigston Borough Council.
6. All City Councillors, County Councillors and District or Borough Councillors are eligible to be members of the Panel.
7. Co-opted members shall be appointed in accordance with paragraph 8 below and may be appointed in accordance with paragraph 16 below.

Note:

The representation on the Panel above reflects statutory provisions

Appointment of Independent Members

8. The Panel shall co-opt two Independent Members on to the Panel for a term being the length of the term of office of the Police and Crime Commissioner, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.
9. The selection process for co-opting members should include a reasonable period of advertising for the positions. There should be at least two weeks between the date the advert is first placed and the closing date for receipt of applications.

10. Information packs shall be prepared and sent to those requesting application forms.
11. Applications shall be considered against an eligibility criteria and then the Chairman and Vice-Chairman of the Panel will be invited to meet to consider the applications and interview candidates.
12. Following the interviews, the Chairman and Vice-chairman will make recommendations to the Panel for appointment.
13. The following may not serve as independent co-opted members: the Police and Crime Commissioner, a member of the Police and Crime Commissioner's staff, a civilian member of Leicestershire Police Force, an MP, an MEP or a member of any of the local authorities covered by the Force area.

[N.B Serving police officers will not be eligible to serve in accordance with their conditions of service]

Appointment of Elected Members

14. Members of the Panel will be appointed by each relevant local authority in accordance with its procedures.
15. Terms of office of elected members will be agreed by the local authorities at the time of appointment, having regard to the outcome of any review of membership by the host authority. Local authorities, in making the appointment must have regard to the balanced appointment requirement, as far as reasonably practicable, and seek to ensure appointees have the necessary skills, knowledge and experience.
16. The Panel, once established, may agree to co-opt additional members drawn from the local authorities to ensure the balanced appointment requirement, as far as reasonably practicable.
17. Substitutes are permitted subject to the arrangements of the relevant local authority. The clerk to the Panel must be notified of the attendance of any substitute at least 24 hours before the meeting.

Resignation /removal of members

18. Members may resign from the Panel at any time. Elected members should inform the nominating local authority and the clerk to the Panel in writing. Co-opted members should inform the Chairman and the clerk to the Panel in writing.
19. Elected members may be removed by their nominating local authority. Reasons for the removal of a member should be presented in writing to the Chairman of the Panel.

Payments/Allowances

20. Payment of expenses and allowances, if applicable, for elected members will be a matter for the nominating authority. A scheme of expenses and allowances for the two independent co-opted members will be established by the Panel and administered by the host authority.

Communication and Engagement

21. A Communications and Engagement Strategy, for the work of the Panel, including how the work of the Board will be influenced by stakeholders and the public, including seldom heard groups, will be published following agreement by the Panel. The Strategy will make provision for:

- a. The role of the Panel to be promoted.
- b. Support and guidance to be given to:
 - i. Members of the relevant local authorities;
 - ii. Members of the Executives (if any) of relevant local authorities; and
 - iii. Officers of relevant local authorities

22. The Panel will operate as a forum to represent the views of stakeholders and the public to the Police and Crime Commissioner.

Budget

23. Leicestershire County Council as the host authority will receive funding from the Home Office for the purpose of establishing and maintaining the Panel and for the payment of expenses to members. In the event that the costs so incurred exceed the funding made available by the Home Office, the host authority may ask that a contribution be made by authorities providing members to serve on the Panel. Any such requests shall be in proportion to the extent of representation of authorities on the panel for the period covered by the costs incurred.

Leicester, Leicestershire and Rutland Police and Crime Panel

Terms of Reference

Introduction

The Leicester, Leicestershire and Rutland Police and Crime Panel will publicly scrutinise the actions and decisions of the Police and Crime Commissioner (PCC) in the context of relevant sections of the Police Reform and Social Responsibility Act 2011, with a view to supporting and challenging the PCC in the effective exercise of his or her functions, acting as a critical friend.

References in this document to the “Panel” are references to the Police and Crime Panel. **It should be noted that Home Office guidance and regulations are still to be published in relation to Police and Crime Commissioners and Police and Crime Panels.**

Terms of Reference

(to be agreed by all relevant local authorities)

The Police and Crime Panel will be a joint committee of Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Leicester City Council, Leicestershire County Council, Melton Borough Council, North West Leicestershire District Council, Rutland County Council and Oadby and Wigston Borough Council.

To enable it to effectively scrutinise and support the Police and Crime Commissioner in the exercise of his or her functions, the Panel will:-

1. Review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner.
2. Hold a public meeting to consider the annual report from the Police and Crime Commissioner on the exercise of the Commissioner’s functions, at which the PCC will be present to answer questions and make a report or recommendation (as necessary).
3. Hold public confirmation hearings and review, make reports, or recommendations (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
4. Review and make reports on the proposed appointment, suspension or removal of the Chief Constable.
5. Review and make a report and recommendation (as necessary) on the proposed police precept.

6. Review and scrutinise decisions made or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
7. Fulfil functions in relation to complaints about conduct matters made against the Police and Crime Commissioner or Deputy Police and Crime Commissioner (if appointed) in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
8. Appoint an Acting Police and Crime Commissioner if necessary.
9. Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities.
10. Determine and publish rules of procedure, including those for the appointment and removal of a Chairman, method of making decisions and the formation of sub-committees, panels and working parties.
11. Co-opt additional members to the Panel with regard to the balanced appointment objective and to ensuring the required skills, knowledge and experience are represented.