

## North Yorkshire County Council

### Corporate and Partnerships Overview and Scrutiny Committee

23 January 2012

#### Update on police accountability and governance

#### **1 Purpose of the report**

- 1.1 To provide a briefing on the Police Reform and Social Responsibility Act 2011, in particular the duty on the nine local authorities in North Yorkshire and York to establish a police and crime panel.

#### **2 Police Reform and Social Responsibility Act 2011**

- 2.1 The Police Reform and Social Responsibility Act 2011 received royal assent on 15 September 2011. Some regulations are still to be enacted, which may affect the detailed arrangements.

#### **3 Police and Crime Commissioner**

- 3.1 The Act provides for the election of a police and crime commissioner (PCC) for each police (force) area, to replace the current police authority, with the aim of improving police accountability.
- 3.2 The commissioner will have responsibility for the totality of policing within the police area and hold the chief constable to account on behalf of the public that both the commissioner and the chief constable serve. The operational independence of the police force and the decisions made by its operational leadership will remain reserved to the chief constable.
- 3.3 The key roles of the commissioner will be:
- a. securing an efficient and effective police force for their police area;
  - b. representing and engaging with all those who live and work in the communities in their police area and identify their policing needs;
  - c. setting priorities that meet those needs by agreeing a local strategic police and crime plan for the police force;
  - d. holding the chief constable to account for achieving these priorities as efficiently and effectively as possible as well as playing a role in wider questions of community safety;
  - e. setting the force budget and setting the precept (the commissioner will issue a precept on council tax billing authorities in the same way as the police authority); and
  - f. appointing - and, where necessary, removing - the chief constable.
- 3.4 The commissioner will receive the Home Office community safety fund (currently received by upper-tier local authorities and passported to community safety partnerships) and will have the power to make crime and disorder reduction grants to any organisation or individual.

- 3.5 The first commissioners will be elected on 15 November 2012, take office seven days later (on 22 November 2012) and serve until May 2016; thereafter commissioners will normally hold office for four years.
- 3.6 There will be a reciprocal duty on commissioners, the responsible authorities as described in the Crime and Disorder Act 1998 (ie local authorities, police force, fire and rescue, primary care trust, and probation), community safety partnerships (CSPs) and other criminal justice agencies (eg courts, prison service, youth offending teams) to co-operate with each other and to have regard to each others' priorities whilst exercising their functions.
- 3.7 Commissioners will not be members of CSPs. However, commissioners will be able to require a report from a CSP where they are not content that the CSP is carrying out their duties effectively and efficiently, and to call representatives of CSPs in the police area together to discuss strategic priorities. Commissioners will be able to approve mergers of CSPs (currently the approval of the Home Secretary is required).
- 3.8 No change has been made to the requirement within the Police and Justice Act 2006 for every local authority to have a crime and disorder committee with the power to review or scrutinise the discharge of crime and disorder functions by the responsible authorities.

#### **4 Police and Crime Plan**

- 4.1 Each commissioner must issue a police and crime plan and may vary this from time to time. The plan must set out:
- a. the commissioner's police and crime objectives (ie the commissioner's objectives for policing in the police area, for crime and disorder reduction in the police area, and for the discharge by the relevant police force of its national or international functions);
  - b. the policing which the chief constable is to provide;
  - c. the financial and other resources which the commissioner is to provide to the chief constable;
  - d. the means by which the chief constable will report to the commissioner on the provision of policing;
  - e. the means by which the chief constable's performance will be measured; and
  - f. the crime and disorder reduction grants which the commissioner is to make, and the conditions (if any) to which such grants are to be made.
- 4.2 The plan must have regard to the strategic policing requirement issued by the Home Secretary. The commissioner must consult the chief constable in preparing the draft plan or variation.
- 4.3 The commissioner must also have regard to any report or recommendations made by the police and crime panel in relation to the draft plan or variation; give the panel a response to any such report or recommendations; and publish any such response.

## **5 Police and Crime Panel**

- 5.1 The Act requires the local authorities in each police force area to establish a police and crime panel (PCP), as a joint committee, to scrutinise the commissioner.
- 5.2 According to the Home Office, "PCPs 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."
- 5.3 The panel will have:
- a. the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
  - b. the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
  - c. the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
  - d. the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must have regard to them;
  - e. the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
  - f. the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
  - g. the power to require the commissioner to attend the panel to answer questions;
  - h. 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
  - i. responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

## **6 Developing the panel arrangements**

- 6.1 Local Government North Yorkshire and York (LGNYY) has established a group of elected members (leaders or community safety portfolio holders) from the nine local authorities to oversee the development of the arrangements for the panel for the North Yorkshire police area.
- 6.2 It is anticipated that the sections and schedules of the Act relating to the panel will come into force on 2 April 2012. This will allow local authorities to establish and convene a panel from that date although, until the commissioner takes office, the panel's powers will be limited to those necessary to prepare itself.
- 6.3 It is proposed that the nine local authorities should each agree the formal panel arrangements in time to allow the authorities to appoint their member(s) of the panel

at their annual meetings in May 2012. This will allow time for the panel, in advance of the commissioner taking office, 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.

- 6.4 The draft panel arrangements are currently being prepared, in consultation with officers of the nine local authorities, and will be reviewed by the elected members group before being submitted to the nine local authorities for approval.

## **7 Panel membership**

- 7.1 The panel for the North Yorkshire police area will consist of ten councillors from the nine local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the panel. Additional co-options may be possible with the agreement of the Home Secretary. If a local authority has an elected mayor, she/he will automatically be a member instead of a councillor. All members will have equal voting rights. As far as is reasonably practicable, the ten councillors should reflect the "political make-up of the relevant local authorities (when taken together)" across the force area. 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.
- 7.2 It is proposed that Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council will each appoint one councillor as a member of the panel; and that City of York Council will appoint two councillors.
- 7.3 It is proposed that the lead local authority will facilitate discussions between the local authorities in order to enable the authorities 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). It is also proposed that the nine authorities should aim to fulfil the duty as far as possible without resorting to additional co-options to the panel as increasing the size of the panel beyond the core twelve members would increase costs and reduce its effectiveness.

## **8 Support for the Panel**

- 8.1 It is proposed that North Yorkshire County Council will be the lead local authority for the panel and, within the overall budget agreed by the nine local authorities, will provide administrative and other support to the panel and its members led by a named lead officer supplemented as required by additional specialist officers (eg finance officers when advising the panel on the commissioner's proposed budget and precept).
- 8.2 It has been suggested that the Home Office will provide around £40,000 per panel per year to cover the additional costs, for at least the first year. The Local Government Association (LGA) is lobbying for the Home Office to make a higher and transparent level of funding available on a permanent basis. An initial budget for the panel will be drafted when the funding position is clearer.

- 8.3 Any additional costs will need to be met by the local authorities. It is proposed that any costs not covered by the funding from the Home Office will be shared between the nine local authorities on the basis of population, with the County Council and respective district council sharing equally the cost in respect of the population of each North Yorkshire district council area.
- 8.4 To avoid councillors from different authorities being paid different rates of allowances for panel membership, it is proposed that the nine local authorities should ask one of the independent remuneration committees to make a recommendation on behalf of all the local authorities.
- 8.5 The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the nine 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 nine local authorities before the commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year.

## **9 Recommendation**

- 9.1 It is recommended that the update be received.

Report presented and compiled by:

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Background documents: None

Annexes: None