

Local Government North Yorkshire and York 24 June 2011

Police and Crime Panel

Purpose of the report

- 1 To facilitate early discussions between the nine local authorities in North Yorkshire and York about the arrangements for the proposed Police and Crime Panel.

Background

- 2 The Police Reform and Social Responsibility Bill proposes the election of a Police and Crime Commissioner (PCC) for each police force area, with responsibility for the totality of policing within that area. The Commissioner will 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 service and the decisions made by its operational leadership will remain reserved to the Chief Constable.
- 3 Each police force area will also have a Police and Crime Panel (PCP), to maintain a regular check and balance on the performance of the Commissioner. The Panel will not be a replacement for the existing Police Authority - it will not scrutinise the Chief Constable - it will scrutinise the Commissioner's exercise of his/her statutory functions.
- 4 The House of Lords recently amended the Bill so that the Panel would choose the Commissioner, rather than the Commissioner being directly elected. The Government intends to seek to reverse this amendment. However, there appears to be no significant disagreement in Parliament about the proposal to require the Panel to be established.
- 5 The Panel will be a key part of the 'checks and balances' within the proposed new tripartite system of governance in policing and it will be essential to ensure that the Panel has the authority and capacity to be able to hold the Commissioner properly to account.
- 6 The Panel will have:
 - the power of veto, by $\frac{3}{4}$ majority, over the Commissioner's proposed budget and precept;
 - the power of veto, by $\frac{3}{4}$ 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 have regard to 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 where the elected Commissioner is incapacitated, resigns or is disqualified; and
- responsibility for all complaints about the Commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

7 The Government has said that it will make provision for the costs of a scrutiny officer for each Panel for year one (£30,000), but the position regarding funding for future years is unclear. However, the Panel should not be costly as a scrutiny body because its responsibility will be to hold the Commissioner to account, not the Chief Constable or police force.

8 No change is proposed 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 (local authorities, police, fire and rescue, primary care trust, probation).

Arrangements for the Panel

9 The local authorities in each police force area will be required to jointly establish the Panel.

10 In North Yorkshire and York, the Panel 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. If a local authority has an elected mayor, she/he will automatically be a member instead of a councillor. All twelve 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.

11 All nine local authorities in North Yorkshire and York will need to agree to the making and modification of the arrangements for the Panel including:

- how the ten places for councillors will be allocated between the local authorities;

- which local authority will take the lead on behalf of the others in establishing and supporting the Panel;
 - how the costs of the Panel will be shared among the local authorities;
 - how the role of the police and crime panel is to be promoted;
 - the administrative and other support to be given to the Panel and its members; and
 - the support and guidance to be given to elected members and officers of the local authorities in relation to the functions of the police and crime panel.
- 12 LGNYY may wish to consider whether there should be a local protocol regarding the appointment of the councillors to the Panel, perhaps agreeing that as far as reasonably practicable all will appoint a comparable postholder, for example:
- the Council Leader;
 - the Executive / Cabinet member with responsibility for community safety; or
 - the chair of the crime and disorder committee.
- 13 It may be appropriate for all the Council Leaders to be members of the Panel. This would provide the authority that may be needed when dealing with a directly elected Commissioner, for example, when he/she is setting the police precept. This would also have some synergy with the proposal in the Bill that if a local authority has an elected mayor, she/he will automatically be a Panel member instead of a councillor.
- 14 The table in Appendix 1 provides an indicative allocation of seats necessary to ensure that the ten councillors reflect the “political make-up of the relevant local authorities (when taken together)” across the force area.
- 15 The Panel itself will need to make rules of procedure including the appointment of a person to chair the panel, decision-making decisions, and the formation of sub-committees.
- 16 Subject to the passage of the Bill through Parliament, the Panel will need to be established by May 2012 in advance of the election of the first Commissioner. Because of the time required to ensure the Panel arrangements are agreed through the formal processes of all nine local authorities, an early start should be made on discussions between the local authorities. These discussions should include ensuring that the Panel will have the necessary authority and capacity to be able to hold the Commissioner properly to account.

Recommendation

- 17 It is recommended that:
- (a) An early start is made on discussions between the nine local authorities regarding the arrangements for the proposed Police and Crime Panel, so that these can be agreed through the formal processes of all nine

local authorities to allow the Panel to be established in advance of the election of the first Police and Crime Commissioner; and

- (b) The Honorary Secretary is requested to convene a panel of appropriate officers from all nine local authorities to prepare a report for each local authority to consider; this report to include draft arrangements for the Panel that ensure that the Panel will have the necessary authority and capacity to be able to hold the Commissioner properly to account.

Richard Flinton
Honorary Secretary
Local Government North Yorkshire and York

15 June 2011

Appendix 1 - Proposed Police and Crime Panel - an indicative allocation of seats necessary to ensure that the ten councillors reflect the “political make-up of the relevant local authorities (when taken together)” across the force area as at 31 May 2011.

Conservative	Liberal Democrat	Labour	Liberal	Green	Independent *	totals
--------------	------------------	--------	---------	-------	---------------	--------

Craven	18	4	0	0	0	8	30
Hambleton	39	2	0	0	0	3	44
Harrogate	34	17	0	1	0	2	54
Richmondshire	14	4	0	0	0	16	34
Ryedale	20	2	0	4	0	4	30
Scarborough	25	3	6	0	2	14	50
Selby	29	0	10	0	0	2	41
NYCC	47	11	1	2	0	11	72
York	10	8	26	0	2	1	47

total seats	236	51	43	7	4	61	402
-------------	-----	----	----	---	---	----	-----

% seats	58.71%	12.69%	10.70%	1.74%	1.00%	15.17%	100.00%
---------	--------	--------	--------	-------	-------	--------	---------

possible allocation of seats	6	1	1	0	0	2	10
------------------------------	---	---	---	---	---	---	----

** The independent column in this table includes councillors who have formed themselves in to independent political groups on authorities as well as individual independents. This table may need revising once there is clarification as to the precise meaning of the term “political make-up of the relevant local authorities (when taken together)”.*