

Local Government North Yorkshire and York 20 January 2012

Police and Crime Panel

Purpose of the report

- 1 To provide an update on discussions between the nine local authorities in North Yorkshire and York regarding the arrangements for the police and crime panel.

Background

- 2 The Police Reform and Social Responsibility Act 2011 requires the local authorities in each police force area to establish a police and crime panel (PCP), as a joint committee, to scrutinise the directly elected police and crime commissioner (PCC).
- 3 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."
- 4 The panel will have:
 - 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 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 (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).

Developing the panel arrangements

- 5 Elected member representatives (leaders or community safety portfolio holders) from the nine local authorities have been considering the arrangements for the North Yorkshire police and crime panel, as agreed by LGNYY on 24 June 2011.
- 6 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 police and crime commissioner takes office on 22 November 2012, the panel's powers will be limited to those necessary to prepare itself.
- 7 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 22 November 2012, 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.
- 8 The draft panel arrangements are currently being prepared, in consultation with officers of the nine local authorities, and will be reviewed by the elected member representatives before being submitted to the nine local authorities for approval.

Panel membership

- 9 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.
- 9 It is proposed that Craven DC, Hambleton DC, Harrogate BC, North Yorkshire CC, Richmondshire DC, Ryedale DC, Scarborough BC and Selby DC will

each appoint one councillor as a member of the panel; and that City of York C will appoint two councillors.

- 10 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 12 members would increase costs and reduce its effectiveness.

Support for the Panel

- 11 It is proposed that North Yorkshire CC 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). .
- 12 It has been suggested that the Home Office will provide around £40,000 per panel per year, for at least the first year. The 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.
- 13 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.
- 14 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.
- 15 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.

Recommendation

16 It is recommended that the update be received.

Richard Flinton
Honorary Secretary
Local Government North Yorkshire and York

12 January 2012