

Local Government North Yorkshire and York

28 June 2019

Resourcing of the North Yorkshire Police, Fire and Crime Panel

1.0 Purpose of the Report

1.1 To ask the Leaders of LGNYY to:

- (a) consider providing for a Member allowance for their constituent Panel Member;
- (b) consider options for contributing towards support for the Panel.

2.0 Background

2.1 The North Yorkshire Police, Fire and Crime Panel (“the Panel”) is responsible for maintaining a regular check and balance on the performance of the Police, Fire and Crime Commissioner for North Yorkshire (“the Commissioner”). In particular, the Panel has a number of statutory functions to discharge in respect of this ‘support and challenge’ role, including:

- Reviewing and making recommendations on the Commissioner’s Police and Crime Plan and Fire and Rescue Plan;
- Reviewing the Commissioner’s proposals for the amount of Council Tax local people pay towards policing and fire and rescue services (“FRS”). It has the power to veto these proposals if the amount is considered inappropriate;
- Reviewing and making recommendations on senior appointments by the Commissioner, namely Chief Constable, Chief Fire Officer, Chief Executive, Chief Financial Officer and Deputy Police and Crime Commissioners. It has the power to veto recommended appointments for Chief Constable and Chief Fire Officer; and
- Considering non-criminal complaints received about the Commissioner and Deputy Commissioner.

2.2. The Panel is a joint committee of the nine local authorities in York and North Yorkshire, currently comprising 12 members which include:

- ten appointed (elected) Members (Councillors appointed by each of the local authorities with two Members representing City of York);
- two independent co-opted members (“Community Members”) - essentially volunteers appointed for a four-year term to support the Panel in discharging its remit.

3.0 Panel resources and remit

3.1 North Yorkshire County Council is the host authority for the Panel and as such provides officer support and resources in support of the Panel’s scrutiny function, including:

- the Panel Secretariat support;
- legal guidance;

- communications support;
 - financial briefings on the Commissioner's budgetary papers and proposals; and
 - wider administration such as printing and distribution of papers.
- 3.2 The Panel is currently provided with an annual grant of from the Home Office in the sum of **£66,180** to provide for the above costs and also to provide for:
- expenses of the Community Members;
 - Chair/Vice Chair allowances;
 - Panel member training and development (including attendance at conferences)
 - membership of Panel networks and the national representative association.
- 3.3 The Home Office grant was increased by way of a one-off uplift for the 2018/19 financial year for those Panels, such as North Yorkshire, which have taken on a wider scrutiny remit due to their Commissioner taking on oversight and governance of local fire and rescue services (FRS). The amount that the Panel is eligible to claim for 2018/19 has therefore been increased by £4,441 to take account of this transitional period. However, the Home Office does not currently have any plans to permanently increase the annual grant for Panels in these circumstances.
- 3.4 Each consecutive year the County Council claims back the full grant payable in respect of support to the Panel and there is also considerable recurring overspend which is absorbed by the County Council. An audit exercise is undertaken internally when providing grant reports back to the Home Office, to get an indication of the cost of support provided by the County Council. In 2017/18 for example, this amounted to an estimated **£10,500** spent by the County Council to meet the support needs of the Panel over and above the grant provision. With the one-off uplift in 2018/19 this was reduced to around **£9,400**. This illustrates a recurring (estimated) cost which the County Council is currently having to fund 'in kind' through officer support. As such, the majority of the Home Office grant – plus overspend – is for officer support, as outlined in 3.1. As part of the grant conditions, Panel expenditure of the grant has to be published and the 2017/18 grant return is available at <http://nypartnerships.org.uk/pcp>
- 3.5 In addition, the County Council previously paid **£9,924** in Special Responsibility Allowances to the Panel Chair, Vice Chairs (x 2) and the Co-opted Independent Members (x 2). In addition to the overspend subsumed by the County Council on officer support, this equates to around **£20,000** paid by the County Council annually towards the functioning of the Panel.
- 3.6 Previously no general allowance was paid to the appointed (elected) Members sitting on the Panel as they already receive a basic allowance as a Councillor from their own local authority scheme. Additionally, their travel and subsistence expenses incurred on Panel business are paid through the constituent local authority. The Home Office grant is used to pay for admission to conferences and events on behalf of the Panel.
- 3.7 A Special Responsibility Allowance was previously paid to the Panel Chair and its two Vice Chairs, equivalent to 3 units and 1 unit of responsibility respectively from NYCC's own Members scheme (£4,962 and £1,654). This was because it was deemed that the responsibility and commitment for these particular elected Members was analogous to that required of the Chair and Vice Chair to a Scrutiny Committee at NYCC.
- 3.8 In 2017 it was agreed that an allowance would be payable to the Panel's two Community Members due to the increasing commitment required and the complexity

of the role. This was set at half a unit (£827 for 2018/19), with the aim of going some way to acknowledging the contribution of these members on the Panel.

4.0 Impact of changes since 2016 and increasing remit

- 4.1 The commitment required of the Panel members since its inception in 2012 has increased considerably. Originally, it was anticipated that the Panel would need no more than 5 or 6 scheduled meetings per year and the work programme focussed principally on the key legal requirements, with meetings lasting around two hours.
- 4.2 However, as the Commissioner is particularly proactive in taking forward her brief and in seeking opportunities for undertaking new initiatives, so has the Panel's workload been commensurately increasing in order to try to maintain robust scrutiny. For example, the North Yorkshire Commissioner is the only Commissioner in the country who has not only taken on governance of the FRS but is also seeking to take on the majority of handling of police complaints under new legislation in the next year. Additionally, in the last couple of years, it has become clear that particular issues are beginning to dominate public concern, such as the deterioration of the 101 non-emergency service, and have required further proactive scrutiny. As such, the Panel agreed in 2016 to not only increase its formal meeting schedule but also to provide for more in-depth reviews of specific issues outside of Panel meetings.
- 4.3 Scheduled meetings subsequently increased to 7 or 8 per year, not including exceptional meetings called, such as for confirmation hearings. In 2018, for example, the Panel **met formally on 9 occasions**; as a parallel example this would be almost double that scheduled for the overview and scrutiny committees of the County Council. A number of thematic sub groups have been formed since that time on issues such as finance, the 101 service and cybercrime. These meet typically no more than two or three times a year consisting of three or four members with an interest in those topics. These groups have contributed to better quality of enquiry at Panel meetings and a better understanding of the Commissioner's broad portfolio of work.
- 4.4 Additionally, with the Commissioner taking on oversight and governance of the FRS in November 2018, the Panel has extended its meeting time to around three hours, with a break. When a pre-meeting for preparation purposes is added, along with a de-briefing meeting for the Panel, this equates to a full day out of the diary with travel.
- 4.5 In recent months, the Panel's legal remit around the consideration of non-criminal complaints made against the Commissioner has also increased the workload exponentially for a small number of Panel members who have undertaken to discharge this role on behalf of the Panel. While complaints workload cannot be forecast, as the Commissioner is intending to take on the handling of the majority of police complaints in the next year following legislative changes which enable this, the Panel foresees that this will impact on its own handling of complaints.
- 4.6 The increase in commitment required of Panel members has led to difficulties in routinely securing high levels of attendance at Panel meetings in recent months. One meeting in the autumn of 2018 was cancelled due to the Panel being inquorate and as such the Panel has also recently agreed to reduce its quorum requirement in order to ensure that a meeting could still go ahead. It is considered that while provision of an allowance for members should not be a key motivation in taking a seat on the Panel it is important to acknowledge the level of commitment required and that one way this could be done is through a discrete allowances scheme.
- 4.7 This significant increase in workload for the Panel has also had an attendant impact on the officer support required from NYCC. At the inception of the Panel, the

Secretariat hours were forecast to require 0.5 FTE and this was allocated from the Home Office grant. However, the current officer provides 0.8 FTE and, following the expansion of the Panel's scrutiny remit and increase in complaints handling work, further ad-hoc support has been drafted in from other officers to ensure things like the sub-groups continue to be adequately supported over and above these hours. As highlighted at 3.4/3.5, NYCC annually subsumes costs incurred as a result of providing administration support and guidance to the Panel; roughly around £10,000 as an estimate. If the Panel is to continue to be well supported it is anticipated that additional (sustainable) funding will be required to support this work.

- 4.8 As the majority of the Home Office grant is directed towards staff support for the Panel, there is little scope for the Panel to undertake any training or development, including attendance at Panel network events. With the expanded scrutiny remit, it would be helpful for the Panel to be able to draw from a discrete training budget annually to ensure new Members receive a thorough induction and that existing members are supported in their development on the Panel.

5.0 Recommendations of the NYCC IRP

- 5.1 In view of the above increase to the Panel's remit and responsibilities, the NYCC Independent Remuneration Panel ("the IRP") undertook to review the allowances scheme for the Panel towards the end of 2018 at the request of the Panel members. This included seeking written representations from those currently receiving an allowance and also hearing evidence from officers and Members of the Panel in November 2018.
- 5.2 Following this review, the IRP has published a number of recommendations linked to its findings and these were agreed by a full meeting of the County Council on 20th February 2019 (see <http://democracy.northyorks.gov.uk/committees.aspx?commid=17&meetid=3772> for full report). These are outlined below. In making these recommendations, the IRP has acknowledged that "at this stage it is hard to envisage exactly how much additional work is required of the new Panel and this will be kept under review." However, the IRP has made the recommendations for increases based on the existing demands of the roles undertaken.
- Chair's allowance to increase from 3 to 5 units (to £8,485)
 - Vice Chairs' allowance to increase from 1 to 2 units (to £3,394)
 - Community Co-opted members' allowance to increase from 0.5 to 1 unit (to £1,697)
 - **All other Panel members to receive an allowance of 1 unit - £1,697 payable to all Members.**
- 5.3 The overall annual cost increase of the IRP's recommendations for the Panel on NYCC Special Responsibility Allowances would be **£20,622 (£30,546 to be paid by the County Council for allowances overall)**. The IRP has therefore advised that "whilst not directly within our remit, we acknowledge the potential concerns for North Yorkshire County Council taxpayers if the costs fall on the County Council's budget as lead authority to subsidise the work of the Panel beyond the level of this grant. It may be felt that seeking a contribution from other constituent authorities would be an appropriate way forward."

Items for consideration

6.0 Provision of a Member Allowance

- 6.1 The constituent authorities to the Panel are asked to consider provision of an allowance to their Member on the Panel, in line with the recommendations of the NYCC IRP. It is not considered equitable for the County Council to pay allowances for all of the constituent authorities and therefore it is proposed that if an allowance is to be paid for the constituent authority member, that funding should be sought by the relevant Authority.
- 6.2 While Home Office guidance outlines that Member allowances can be payable from the grant, guidance on this point is also clear that such payments must be kept within the amount of grant provided. Home Office guidance also indicates that Panels must ensure that payment of allowances does not financially restrict their ability to deploy the grant for its main purpose; namely effective local scrutiny of Commissioners. If the current £66k grant were to be deployed for payment of all allowances, the Panel would be left with only £35k to discharge its role effectively which, with the current requirements, would be inadequate.
- 6.2 Following the IRP recommendations a single unit of allowance would be payable to all Members, equating to **£1,697** to each Member for 2019/20. For City of York Council, which has two seats, this would therefore constitute **£3,394** in total per annum, plus an additional allowance for the vice-chair. These allowances could either be paid directly from the local authority to its Member (subject to their own rules and consideration by their IRP), or this could be paid to NYCC and then re-directed through NYCC's payroll, as the authority determines. It is noted that there are special responsibility allowances to be paid for the Chair and Vice-chair, and again it is proposed that contributions for these payments should be made by the relevant constituent authority on the basis that the County Council should not have to find funding for these roles out of its own budget.
- 6.3 Without the above provision for an allowance by the constituent authorities, NYCC will be unable to pay an allowance in line with the IRP recommendations. The total cost of paying for allowances is £30,622. It is envisaged with the current Chairs and Vice-Chairs that the contributions should be as follows (with the same principles being applied if the Chair and Vice-Chairs are appointed from different authorities):

Local authority	Requested Contribution for Members Allowance from constituent Authority
North Yorkshire County Council	£8,485 (Chair) £3,394 (for the combined two Community Panel Members)
City of York Council	£3,394 (Vice Chair) + £1,697 (Panel Member)
Craven District Council	£1,697 (Panel Member)
Hambleton District Council	£3,394 (Vice Chair)
Harrogate Borough Council	£1,697 (Panel Member)
Richmondshire District Council	£1,697 (Panel Member)
Ryedale District Council	£1,697 (Panel Member)
Scarborough Borough Council	£1,697 (Panel Member)
Selby District Council	£1,697 (Panel Member)

7.0 Option for a contribution to support the staff resourcing of the Panel

- 7.1 In addition to consideration around the provision of a Member allowance and in view of the increased responsibilities for the Panel and its supporting officers, the Panel would like to ask the Leaders of the constituent authorities to consider contributing towards supporting the resourcing of the Panel.
- 7.2 The potential contributions from the constituent authorities below have been calculated using the funding formula agreed by the constituent authorities in 2012. The Panel Arrangements envisage that such costs are divided between York and North Yorkshire on the basis of population (roughly 25% and 75%) and further that the County Council would pay 50% of the North Yorkshire share and the other 50% is divided amongst the district councils on the basis of their population.

Contribution towards additional officer support and training/development for Panel - £20,000

- 7.3 Based on the current requirements, the Panel requires an additional £20,000 per annum to ensure sustainable and effective support. This would provide for:

- (a) 0.5 FTE additional Panel support with on-costs – c£18,000 (pro rata)
(c) a discrete training and development budget for the Panel - £2000

TOTAL = £20,000

- 7.4 If a contribution at this level were to be agreed then, applying the funding formula as outlined at 7.2, the individual contributions would be as follows:

Local authority	Recommended contribution (£)
North Yorkshire County Council	7,500
City of York Council	5,000
Craven District Council	693
Hambleton District Council	1115
Harrogate Borough Council	1966
Richmondshire District Council	663
Ryedale District Council	663
Scarborough Borough Council	1330
Selby District Council	1070
TOTAL	20,000

8.0 Recommendation

- 8.1 That Leaders consider:

- (a) the provision of an allowance to their constituent Panel Member;
(b) an annual contribution to the resourcing (staffing and development) of the Panel as outlined in section 7.

Councillor Carl Les

Chair

North Yorkshire Police, Fire and Crime Panel

19th June 2019