

CABINET	AGENDA ITEM No. 8
10 JULY 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Walsh, Cabinet member for Community Cohesion and Safety	
Contact Officer(s):	Kim Sawyer, Head of Legal Services Adrian Chapman	Tel. 01733 452361

POLICE AND CRIME PANEL

RECOMMENDATIONS	
FROM : Helen Edwards, Solicitor to the Council	Deadline date : N/A
<ol style="list-style-type: none"> 1. Cabinet agrees to establish the Cambridgeshire Police and Crime Panel as a joint committee of the Cambridgeshire local authorities as defined in Section 28 of the Police Reform and Social Responsibility Act 2011 2. Cabinet agrees that Peterborough City Council will be the host authority for the Panel. 3. The Cabinet agrees the nomination and appointment of three members and three substitute members of the Council to the panel as set out in paragraph 4.14 and authorises the Leader of the Council to appoint to any position becoming vacant 4. The Cabinet agrees to delegate authority to the Solicitor to the Council to finalise the terms of the panel arrangements for the Cambridgeshire Police and Crime Panel, provided that the agreement is substantially in the form attached to this report 	

1. ORIGIN OF REPORT

1.1 This report arises from a requirement of the Police Reform and Social Responsibility Act 2011 to establish a Cambridgeshire Police and Crime Panel.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for Cabinet to agree to the foundation of the Cambridgeshire Police and Crime Panel as a joint committee of the seven Cambridgeshire authorities and to nominate and appoint members to the Panel. Furthermore Cabinet is invited to agree that Peterborough City Council shall be the host authority to facilitate the operation of the Panel.

2.2 This report is for Cabinet to consider under its Terms of Reference No 3.2.2, to promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.

3. TIMESCALE

3.1 The Home Office requires the Panel to be established and for members to be nominated and appointed to the Panel by 16 July 2012.

4. POLICE AND CRIME PANEL

- 4.1 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners).
- 4.2 The public accountability for the delivery and performance of the police service within each force area will be placed into the hands of the commissioner on behalf of their electorate. The commissioner will draw on their mandate to set and shape the strategic objectives of their force area in consultation with the chief constable. The commissioner will be accountable to their electorate; the chief constable will be accountable to the commissioner.
- 4.3 The Act also requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.
- 4.4 According to the Home Office, "Panels 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."
- 4.5 The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
- 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 take account of 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).
- 4.6 Terms of reference for the panel are included at appendix 1 however until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the panel's powers will be limited to those necessary to prepare itself. The various constitutions of the Cambridgeshire authorities will require amendment in due course to incorporate the terms of reference although this will be a subsequent decision for Council
- 4.7 The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so. The authorities are required to notify the Secretary of State of their nominations and appointment of their various councillors to the panel by the 16 July 2012.

Developing the panel arrangements

- 4.8 It is proposed in this report that the seven Cambridgeshire local authorities each agree the panel arrangements, establishing it as a joint committee, and appoint their member(s) of the panel in accordance with the panel arrangements. This will allow time for the panel, before the commissioner is elected, 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.
- 4.9 Heads of Legal Services from the seven local authorities have recently been consulted on the arrangements for the Cambridgeshire Police and Crime Panel. These arrangements take the form of an agreement setting out the manner in which the authorities will provide support to the panel and are included at appendix 2. The terms of the panel arrangements are largely prescribed by Schedule 6 of the Police Reform and Social Responsibility Act 2011

Panel membership

- 4.10 The lead local authority for this process, Cambridgeshire County Council, has facilitated discussions between the local authorities to enable them 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).
- 4.11 In Cambridgeshire, it has been agreed that the panel should comprise eleven councillors: one from each of the district or borough councils, three members each from the County and Peterborough City Council.
- 4.12 Under the terms of the Act if the panel is greater than the 10 members required, the additional member is considered to be a co-opted member and will require the approval of the Secretary for State. If approved, a subsequent resolution of the panel will also be required. A joint application for consent for the additional member is being made to the Secretary for State by the Cambridgeshire County Council and Peterborough City Council.
- 4.13 A further two independent members (not councillors) must be co-opted by the panel. 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.
- 4.14 It is proposed that two conservative members and one labour member are nominated and appointed to the Panel. Those nominations are Councillors Matthew Lee and Walsh (conservative) and Councillor Khan (labour). Three substitute members are to be nominated by the panel members and notified to the Monitoring Officer. It is proposed that the Leader of the Council is given authority to appoint to any vacancy arising rather than referring the matter back to Cabinet. Full Council will be asked to note the appointments (as this is an Executive decision, not a Council decision) on the 11 July 2012, at the same time as it is asked to consider whether to award an interim allowance to appointed members pending a review of all allowances by the Members' Remuneration Panel, which is likely to make recommendations to Council later in the year (a new panel is in the process of being recruited at present).

Support for the Panel

- 4.15 It has been agreed, subject to formal agreement of Cabinet through this report, that Peterborough City Council will be the host local authority for the panel and, within the overall budget agreed annually by the seven local authorities, will support the panel and its members. This support will be led by a lead officer from the host authority supplemented as required by additional specialist officers (eg finance officers when advising the panel on the commissioner's proposed budget and precept, legal officers when advising the panel on dealing with any complaints against the commissioner).

- 4.16 It is proposed that the costs of the panel, including support for the panel, will be contained as far as possible within the grant to be provided by the Home Secretary to the host local authority but if that grant is exceeded the excess be shared equally. The annual grant will be £53,330 plus £920 towards expenses per panel member, subject to review by the Home Secretary in future. The LGA has lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the Act requires that panel arrangements make provision about how the local authorities are to share the costs of the panel.
- 4.17 To avoid a burden on the budget of the panel it is proposed that each authority determine whether and if so what allowance should be paid to its representative on the panel. Allowances are a decision to be made by Full Council, and this matter will be considered by the Council at its meeting on 11th July 2012, as referred to in paragraph 4.14 above.
- 4.18 The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the 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 local authorities before the commissioner is elected and annual briefing sessions in each following year.

5. CONSULTATION

- 5.1 The Panel arrangements have been the subject of several events undertaken by the Home Office and attended by various officers and councillors across the seven councils within Cambridgeshire
- 5.2 Given the limited timeframe in which to agree and establish the Panel, the arrangements have largely been facilitated by Cambridgeshire County Council which has consulted the Leaders of the various councils on these new executive powers. A presentation on this process has been given to the Cambridgeshire Scrutiny Network Forum and discussions have taken place within a Cambridgeshire Heads of Legal Services meeting.
- 5.3 Consultation with the public has been limited at this stage as this process is mandatory.

6. ANTICIPATED OUTCOMES

- 6.1 It is expected that Cabinet will agree to the establishment and hosting of the Police and Crime Panel, agrees the membership from Peterborough City Council and agrees the terms of reference for the panel.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The Police Reform and Social Responsibility Act 2011 requires that local authorities in each police force area establish a police and crime panel, as a joint committee, primarily to scrutinise the commissioner.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 It is a statutory obligation to appoint a Police and Crime Panel. If the Council does not appoint a Panel the Secretary of State has the power to do so, and make appointments to that panel. It is considered preferable for the council to take this step for itself.
- 8.2 Being a county with seven authorities the statutory position required the Cambridgeshire authorities to establish a 10 member panel, however the Cambridgeshire authorities have opted for an 11 member panel as they consider that this offers the optimum level of skills and experience necessary for a successful panel.

8.3 The terms of reference and membership arrangements have been developed with the other authorities across Cambridgeshire and therefore no other arrangement options are available.

9. IMPLICATIONS

9.1 Financial implications are dealt with in paragraph 4.16 above.

9.2 As this is a statutory requirement legal implications are dealt with in the body of the report.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Police Reform and Social Responsibility Act 2011.

Appendix 1 – Terms of reference for the Cambridgeshire Police and Crime Panel.

Appendix 2 - Panel arrangements for the Cambridgeshire Police and Crime Panel.

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