

# Have you got what it takes?

**To publicly account for your decisions**



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### Important facts

Police and crime panels are being introduced in every force area to scrutinise (examine) the actions and decisions of police and crime commissioners (PCCs). Panels will support and challenge PCCs when they carry out their functions, acting as a 'critical friend'.

Panels will not replace police authorities and will not have a role in scrutinising the performance of the force. This is the role of the PCC.

Panels will focus their attention on important strategic actions and decisions taken by the PCC including whether they have:

- achieved the aims set out in their Police and Crime Plan ;
- considered the priorities of community-safety partners; and
- consulted appropriately with the public and victims.

Panels will make sure information is available for the public to make the PCC answer for their decisions.

### Background

#### Powers

Panels have a range of powers to help them carry out their function.

Panels have specific responsibilities relating to the Police and Crime Plan and annual report. These include making reports and recommendations about each of the two documents, which the PCC must take account of and provide a response to.

Panels can also make reports or recommendations about the proposals by the PCC on:

- the level of the precept (council tax charge for the police); and
- appointing a chief constable.

The panel may also veto (reject) the PCC's proposals on these two issues with a two-thirds majority vote.

To make sure there is transparency and openness, the panel must publish all reports and recommendations that it makes. The PCC has to publish their response to these. The panel must hold a public meeting to discuss the annual report and to question the PCC about any concerns they may have.

Other specific powers held by the panel include:

- Asking Her Majesty's Inspectorate of Constabulary for a professional view when the PCC plans to dismiss the chief constable. In cases of dismissal (forced resignation or retirement) the panel must hold a scrutiny hearing and make a recommendation to the PCC.
- Appointing an acting PCC if the elected PCC cannot carry out their role for health reasons, resigns or is disqualified.
- Holding confirmation hearings for important staff – chief executive and chief finance officer and for any deputy. The panel will have no power to refuse appointments but could make a recommendation to the PCC.
- Monitoring complaints against the PCC and dealing with non-criminal complaints.

Police and crime panels have other powers, including:

- asking to see any papers the PCC has (except those that are operationally sensitive);
- making the PCC (and their staff) come to a panel meeting to answer questions;
- asking the chief constable to come to any meeting which the PCC is required to attend; and
- making reports and recommendations on any action or decision of the PCC.

## Members of the panel

Panels will be made up of at least one elected representative (councillors or, where relevant, elected mayors) from each local authority (unitary, county and district) within the force area and two independent members or co-optees. There should be at least 10 elected representatives. In areas with fewer than 10 local authorities, each authority will have one member and the rest of the seats will be negotiated between authorities locally.

Local authorities will need to put forward and, in England, appoint members onto the panel. In doing so they must make sure, as far as is possible, that the panel is balanced according to the geographical and political make-up of the force area as well as making sure the members have the skills, knowledge and experience needed for the panel to function effectively.

If local authorities fail to put people forward, the Home Secretary will choose members of local authorities for the panel, taking into account the need for balance.

Once established, panels will be able, with the Home Secretary's permission, to co-opt further members, both elected and independent, up to a maximum panel size of 20.

## Membership in Wales

Panels in Wales are not local-authority committees but free-standing public bodies set up and maintained by the Secretary of State in line with the Police Reform and Social Responsibility Act.

Councillors answer to the public and are aware of the principles of assessing performance. As a result, they will make up the majority of the panel. However, as panels are free-standing organisations in Wales, members will be voluntary public appointments made by the Secretary of State.

To make sure that these panels are right for the local area, the Home Secretary will invite local authorities in Wales to take a leading role in setting up the panels.

## What is the status of a panel?

In England, panels will be committees of local authorities. In Wales a panel is not a local-authority committee but is a free-standing public body set up and maintained by the Home Secretary. The functions of a panel in Wales are those set out in the Act and are the same as those of a panel in England.

## How will the panel's power of veto over the precept work in Wales?

The Act makes no change to the Local Government Finance Act 1992 except for replacing police authorities with the PCC as the major precepting authority. It also allows panels to assess the PCC's precept. In Wales, Welsh Ministers will continue to have their current powers to cap what is charged.

## Will panels be funded?

We will provide £53,300 funding for each panel each year to cover support and running costs. We will also make available up to £920 per member of the panel each year to cover expenses. Funding in 2012/2013 will be about half this yearly amount as panels will only be in place for six months of the financial year (October to March).