

Cabinet	<b>FP/795/03/12</b>
Date: 24 April 2012	

**Essex Police & Crime Panel**

Report by Councillor Jowers, Cabinet Member for Communities and Planning  
 Enquiries to Officer Greg Myddelton, Senior Policy & Strategy Officer

**Purpose of report**

To invite Cabinet to recommend Council to approve the establishment of the Essex Police and Crime Panel and to confirm that the County Council will act as host authority.

**Recommended**

1. That, with the agreement of the other relevant local authorities, Essex County Council agrees to act as host authority for the Essex Police and Crime Panel.
2. That Council is recommended to approve the establishment of the Essex Police and Crime Panel with the terms of reference as set out in the Annex to this report and to any consequential amendments to the Constitution.
3. That the Council appoint its representative on the Essex Police and Crime Panel at the Annual Meeting in May 2012.

## **Background, context, and area of the County affected**

### **Background and context**

The Police Reform and Social Responsibility Act received Royal Assent in September 2011 and requires local authorities in each Police Force area in England (excluding London) to establish a Police and Crime Panel (PCP). These panels will fulfil the role of scrutinising the Police and Crime Commissioner, who in turn is responsible for holding the Chief Constable to account. Panels will be expected to support and challenge the Commissioner in the exercise of their functions, acting as a critical friend. The Police & Crime Commissioner takes on many of the functions previously performed by the Police Authority, which will disband upon election of the new PCC. A Police and Crime Panel in a multi-authority police area is a joint committee of the relevant local authorities and all those authorities need to give approval to its establishment.

### **Timescales**

The major milestones in establishing a Police and Crime Panel leading up to the election of the Police and Crime Commissioner will be;

- May 2012 – Each local authority in the Essex Force area will use their AGM to nominate their representative on the Police and Crime Panel
- June 2012 – Essex has a shadow Police and Crime Panel in place. This provides sufficient time for it to have agreed the panel arrangements, work programme and other matters and for those to be approved by each authority prior to the arrival of the Commissioner.
- 1 July 2012 – Requirement to inform the Home Office of the panel arrangements
- October 2012 – Home Office funding for the Police and Crime Panel commences
- 15 November 2012 – Police and Crime Commissioner election
- 22 November 2012 – The Police and Crime Commissioner takes office

### **Role and function of the Panel**

The Police and Crime Panel has a number of powers and responsibilities. For instance, the panel can:

- Veto (by two-thirds majority) the proposed precept and the proposed candidate for Chief Constable.
- Review the draft Police and Crime Plan and make recommendations to which the PCC must have regard.
- Review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend.
- Require the attendance of the PCC at a meeting, and require access to any relevant reports in the PCC's possession (except where there is operational sensitivity).
- Ask Her Majesty's Inspector's of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable.
- Hold confirmation hearings for the PCC's proposed chief executive, chief finance officer and deputy police and crime commissioner appointments.

In addition, the Panel is responsible for;

- Appointing an acting Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified.
- Investigate complaints against the PCC, referring alleged criminal complaints to the Independent Police Complaints Commission.

### **Membership of the Panel**

Each local authority in England is required to appoint a member to their force-area PCP. In Essex this means that the County Council, the two Unitary authorities and each of the twelve District and Boroughs will appoint a member to the panel, which will also contain a minimum of two independent members. The maximum panel size is twenty members. All Local Authority members are eligible to become members of the panel. It has been agreed that Essex Local Authorities will be in a position to provide the County Council with the names of their panel representatives following their AGMs in May 2012.

The Home Office has made it clear that as far as possible, the panel should satisfy the balanced appointment objective; which is to ensure the geographic, political and demographic make-up of the Police force area is reflected in the membership of the panel.

The Home Office do not make recommendations on how long a Panel member should serve, but because of the complexities of the different Local Authority electoral cycles in Essex, the panel may wish to consider serving terms of one-year, with each local authority selecting their panel representatives at their annual general meeting each year. According to official guidance there is no maximum number of terms that a member can serve.

### **Hosting and support of the Panel**

In line with Home Office guidance, and as agreed by all Essex local authorities, the County Council will act as host of the panel. This means Essex County Council will be responsible for arranging meetings and providing support, development and training to panel members. It has been agreed that the provision of support for the PCP will be shared between resources in Governance and Policy & Strategy.

### **Funding of the Panel**

In order to provide the necessary support to the panel, the host authority receives a Home Office grant of £53,300. Whilst there is no allowance for members, the Home Office provide an allocation of £920 per member for expenses. This funding will commence in October 2012 to ensure that the Panel can meet and agree procedures before the PCC is in place in November. In addition to this, each Local Authority in Essex has agreed to provide £2,000 in the first year to support the setting-up of the panel.

Home Office guidance on setting up PCPs has been deliberately non-prescriptive, giving local areas significant control over their Panel arrangements. Consequently, detailed panel arrangements will need to be agreed by the panel and then approved by each authority. Draft terms of reference are set out in the Annex to this report.

## **Conclusions**

It is requested that Cabinet approve the recommendations outlined at the beginning of this report to allow Essex County Council to set-up and host the Police and Crime Panel for the Essex Police Force area

## **Relevance to ECC's corporate plan and other Strategic Plans**

The establishment of a Police & Crime Commissioner gives the public an opportunity to directly elect an individual who will be responsible for holding the Police Force to account. This links into our corporate priority to give people a greater say and a greater role in building safer and stronger communities. The Police and Crime Panel is a crucial element of this initiative as it will be responsible for scrutinising the Police and Crime Commissioner.

## **Internal and External Consultation**

The Police & Crime Panel is a new statutory obligation on the County Council. The views of all Local Authorities within the Police Force area have been canvassed to ensure that there is consensus about the plans for the County Council to host the Police and Crime Panel.

## **Legal Implications (Monitoring Officer)**

Local authorities are now required by the Police Reform and Social Responsibility Act 2011 to establish Police and Crime Panels. Acceptance of the recommendations set out in this report will ensure that the County Council meets its statutory duties.

## **Finance and Resources Implications (Section 151 Officer)**

When setting the 2012/13 budget, £100,000 was identified within the ECC budget as the likely level of funding required to create and run the Panel. Since the setting of the budget, notification has been received from the Home Office that they will provide funding to the Host Authority for the creation and running of the Panel from October 2012. The funding available is £53,300 and £920 per panel member. The costs associated with the setting up and running of the Panel will be monitored to ensure that the Panel has sufficient resources in order to operate effectively. Meanwhile, a sum equivalent to the grant provided will be withdrawn from the original £100,000 budget and held in reserve pending any application for further funding.

In addition to the ECC funding each relevant authority has been asked to contribute £2,000 towards the costs of establishing the Panel too. This will be drawn from the ECC budget set aside for 2012/13.

## **Equality Impact Assessment**

It is not foreseen that this new Panel will discriminate against any group. There is a requirement for our Police and Crime Panel to be, as far as is practical, representative of the demographic, geographic and political Police Force area.

**Background papers**

Not applicable

**ESSEX POLICE AND CRIME PANEL**

**TERMS OF REFERENCE**

1. The Panel's role is to scrutinise the work of the Police and Crime Commissioner, exercising the function as a critical friend, in support of the PCC.
2. To review and produce a report on the proposed appointment of the Chief Constable.
3. To hold a confirmation hearing, and produce a report or recommendations (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
4. To scrutinise the proposed precept and make recommendations. If not satisfied with the precept the PCP can veto it, provided there is a two thirds majority in agreement. The PCC will then have to respond to the panel and publish the response.
5. To review the PCC's Police and Crime Plan, and produce and publish a report or recommendation on the plan.
6. With regard to the annual report, produced in accordance with section 12 of the Police Reform and Social Responsibility Act 2011, the panel must question the PCC at a public meeting and scrutinise the decisions made by the PCC. The panel must also produce recommendations or a report which is sent to the PCC and published.
7. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
9. Where required (ie if the PCC resigns, is disqualified from office, is suspended or incapacitated), appoint an Acting Police and Crime Commissioner from amongst the Commissioner's staff.

The Panel will be governed by schedule 12A of the Local Government Act.