

Scrutiny Committee – 3rd April 2012

10. Police and Crime Panels

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Purpose of Report

This report updates Scrutiny on the role of the Police and Crime Panel and the steps that will be taken in order to establish the Police and Crime Panel for the Avon and Somerset force area.

Action Required

That Scrutiny Committee members note the contents of the report.

Background

The Police Reform and Social Responsibility Act 2011 requires the ten local authorities with the Avon and Somerset Police Constabulary area to establish a Shadow Police and Crime Panel (PCP) for the Avon and Somerset force area by the middle of 2012.

The Police and Crime Panel will consist of 10 Councillors from the 10 district, county and unitary authorities covered by the Avon and Somerset Constabulary. The PCP may consist of up to a maximum of 18 elected representatives. It is currently envisaged that once the initial 10 members have been appointed, they will agree on the possible co-option of a further 8 members to potentially reflect the population sizes of the larger authorities of Bath and North East Somerset, Bristol City and North Somerset. Any proposals to increase the size of the panel must be agreed by the Home Secretary.

The Panel will also be expected to co-opt 2 community representatives – these representatives should be non-political and should bring additional skills and knowledge to the work of the PCP.

Role of the PCP

The PCP will be to **scrutinise** the work, actions and decisions of the elected Police and Crime Commissioner. The PCP will **not** scrutinise the work of the Police Force – this will be the responsibility of the Police and Crime Commissioner.

Schedule 6 of the Police Reform and Social Responsibility Act 2011 sets out the key legal provisions in relation to the operation of the PCP. The powers of the panel, as listed in Chapter 4 of the Act include:

- A veto over the appointment of a Chief Constable (Schedule 8, paragraph 4 Police Reform etc Act 2011)
- A veto over the precept proposed by the Police and Crime Commissioner
- Reviewing the elected Commissioners draft Police and Crime Plan – in public
- Reviewing the elected Commissioner's annual report, questioning the Commissioner on his performance on delivering the plan and making recommendations for improvement
- Dealing with complaints

The PCP will primarily be a Scrutiny body, holding the elected Police and Crime Commissioner to account for the delivery of his or her Police and Crime Plan. The guidance states that the PCP will have a duty to support as well as challenge and should not be seen as a **'super partnership'** that replaces other community safety partnership work that occurs outside of the remit of the PCP – the main focus should be on ensuring the effective delivery of the Police and Crime Plan.

Appointment to the Police and Crime Panel

In the Avon and Somerset Force Area, it is proposed that the current arrangements for appointing members to the Police Authority are continued. This will mean that the Leaders (or their representatives) from each of the 10 local authorities within the force area will be asked to form a Joint Selection Committee. This Committee will agree the allocation of seats on the PCP and it will then be for each individual authority to appoint their representative according to local procedures. The appointment will be made by Full Council at SSDC. Home Office and LGA guidance indicates that the positions should be held by non-Executive members, further reinforcing the Scrutiny role of the PCP.

The allocation of seats on the PCP is currently still being discussed. In the first instance, allocation of the initial 10 seats will be agreed. The Home Office guidance states that the balanced appointment objective should be achieved as far as is practicable with consideration given to geographical, political and skill requirements.

There is some discussion about whether seats on the PCP are awarded according to the political control of each authority (e.g. SSDC would therefore appoint a Liberal Democrat representative) or whether the force area should be taken as a whole, with seats on the PCP allocated according to the number of councillors in each political group **across Avon and Somerset**. Initial discussions indicate that the former proposal would be the preferred option but this has yet to be agreed.

The Police and Crime Panel will be expected to meet in November, following the election of the Police and Crime Commissioner on 15 November 2012. Home Office Guidance states that it **is for PCP itself to agree** its detailed Terms of Reference and working arrangements. In order to ensure the PCP is a functioning body by its first required meeting in November, it has been agreed that a Shadow PCP will be formed. The Shadow PCP will consist of those members who will make up the formal PCP in November, but it is anticipated that they will operate in a Shadow capacity for a few months to establish effective ways of working.

Support for the Police and Crime Panel.

In the Avon and Somerset Force Area, Somerset County Council are the only authority who have expressed an interest in becoming the **host authority** for the PCP.

The Home Office are keen to stress that the host authority should not be viewed as 'first among equals' – it will be for the PCP itself to agree its' support arrangements.

The Home Office is providing £53,300 of funding to the PCP – this will be paid to the Host Authority but it will be for the PCP to determine how this money is used to support their work, however, this money is not ringfenced. There will also be £920 of allowances for each PCP member made available.