



Council 17 May 2012

Establishment of the Suffolk Police and Crime Panel

1. Summary and Reasons for Recommendations

- 1.1 The Police and Social Responsibility Act 2011 requires that in advance of the November elections for a Police and Crime Commissioner (PCC) each police force area establishes a Police and Crime Panel (the Panel).
- 1.2 The Home Office has encouraged local determination of arrangements to implement the requirements of the Act, but there is an expectation that arrangements will be transparent and justifiable. In Suffolk there has been good inter authority discussion and collaboration among officers and Suffolk council leaders to jointly develop the proposals referred to in this report.
- 1.3 This report brings to Council the arrangements for the establishment of Panel, how it will be supported and the formal request to appoint a member and named substitute to the Panel.

2. Recommendations

- 2.1 To establish, in conjunction with Suffolk County Council and each of the other district and borough council's in Suffolk, a joint committee known as the Suffolk Police and Crime Panel.
- 2.2 For each Council in Suffolk to nominate the number of councillors indicated below to achieve a political balance across Suffolk:

Babergh District Council	1 councillor
Forest Heath District Council	1 councillor
Ipswich Borough Council	1 councillor
Mid Suffolk District Council	1 councillor
St Edmundsbury Borough Council	1 councillor
Suffolk Coastal District Council	1 councillor
Waveney District Council	1 councillor
Suffolk County Council	4 councillors

- 2.3 To confirm that Suffolk County Council will be the 'host' authority for the purposes of the administration of the Police and Crime Panel.
- 2.4 To delegate authority for the establishment of the Panel to the Chief Executive and Monitoring Officer of the Borough Council, in consultation with their equivalents in the other local authorities within Suffolk.

2.5 To nominate a Member and a Substitute Member from the same political group to the Police and Crime Panel.

3. Corporate Objectives
3.1 The recommendations meet the following, as contained within the Corporate Plan:-

- (a) Corporate Priority: Improving the safety and wellbeing of the Community;
- (b) Cabinet Commitment: Reduce crime and disorder; and
- (c) Vision 2025: St Edmundsbury will be a place which: *is one of the safest boroughs in England in which to live and work and where crime rates continue to be below the national average.*

Contact Details	Portfolio Holder	Lead Officer
Name	Robert Everitt	Cathy Manning
Telephone	(01284) 769000	(01284) 757002
E-mail	robert.everitt@stedsbc.gov.uk	cathy.manning@stedsbc.gov.uk

4. Key Issues

- 4.1 The Police Reform and Social Responsibility Act 2011 (referred afterward as the Act) prescribes the establishment of a Police and Crime Panel, for the Suffolk policing area, as a Joint Committee of all of the Suffolk local authorities, to both support and constructively challenge the elected Police and Crime Commissioner.
- 4.2 The Act requires that there is balance of membership on the Panel and prescribes a minimum of 10 councillors plus two independent co-optees. The proposal developed is based on 11 councillor seats providing each of the district councils with a seat and Suffolk County Council four seats. There is a requirement that the Panel reflects the political balance of the force area and the four seats allocated to Suffolk County Council will be used to help ensure that balance is achieved once the political affiliations of the district representatives are known, as well as helping ensure a geographic spread of Panel members capturing different insights into police and crime issues.
- 4.3 The Borough Council needs to provide both a full nomination to the Panel and a named substitute who, to maintain the political balance of the Panel, will need to come from the same party grouping as the full member. Further detail about the membership of the Panel, the requirement for political balance and considerations as to who should represent the authority are contained in Appendix 1.
- 4.4 The Home Office requires local authorities to agree which local authority will 'host' the Panel. Suffolk local authority leaders have agreed that Suffolk County Council will undertake this role on behalf of all councils in Suffolk, and will continue to work closely with the other seven authorities. As the host authority, Suffolk County Council will work with the Chief Executive of the Police Authority as transitional arrangements are put in place, and following the election of the Police and Crime Commissioner. Further details of the support for the Panel are contained in Appendix 2.
- 4.5 The main role of the Panel will be one of scrutiny and challenge as well as to support the PCC and be a 'critical friend'.
- 4.6 The Panel provides checks and balances in relation to the performance of the PCC. In doing so it may challenge the PCC but it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.
- 4.7 The Panel does have a range of powers of veto. Details of these and a fuller outline of the role of the Panel are contained in Appendix 3.
- 4.8 Once established the Panel will need to formulate its rules of procedure, and each of the authorities on the joint committee will need to abide by those rules. While the authorities cannot prepare those rules in advance of the Panel being formed some work has already been completed for consideration at the first meeting of the Panel. Further information on the rules of procedures is contained in Appendix 4.
- 4.9 District and Borough Council nominations to the Panel need to be with Suffolk County Council by 10 June 2012, with a view the Panel first meeting in October 2012 so that it can start to establish rules and procedures, and become an effective source of challenge and support in advance of the election of the PCC on 15 November 2012. A full timetable is attached at Appendix 5.

<p>5. Other Options considered</p> <p>5.1 The establishment of a Police and Crime Panel for Suffolk is a statutory requirement and there are regulations about its role, responsibilities, powers and membership.</p> <p>5.2 If Suffolk local authorities do not agree an approach, the Home Secretary has the power to impose arrangements on them.</p>
<p>6. Community impact <i>(including Section 17 of the Crime and Disorder Act 1998 and diversity issues)</i></p> <p>6.1 <u>General</u></p> <p>6.1.1 The role of the Panel is to provide a check and balance on the PCC's exercise of their power. As such it represents an opportunity for community concerns in relation to the actions of the PCC to be discussed and addressed.</p> <p>6.2 <u>Diversity and Equality Impact</u> <i>(including the findings of the Equality Impact Assessment)</i></p> <p>6.2.1 Should any of the actions of the PCC be felt to produce undesirable impacts in terms of diversity and equality the Panel provides a means to raise those issues.</p>
<p>7. Sustainability Impact <i>(including environmental or social impact on the local area or beyond the Borough)</i></p> <p>7.1 Other than the impact of travel to Panel meetings there should be no direct impact on the environment. However, as noted in Section 6, the Panel does offer the opportunity for an environmental or social impacts from the way in which the PCC discharges their function to be considered and challenged.</p>
<p>8. Consultation</p> <p>8.1 Suffolk County Council has led an officer working group involving all the district/borough councils within Suffolk, which has formulated the proposals contained within this report.</p> <p>8.2 Suffolk Leaders and Chief Executives have also been kept informed with regular reports on this collaborative approach.</p>
<p>9. Resource implications <i>(including asset management implications)</i></p> <p>9.1 Local authorities in Suffolk have agreed a collaborative approach to the new arrangements, but none of the authorities have capacity within existing resources to dedicate specific resource. The Home Office has recognised this as an issue nationally and has undertaken to provide 'host' authorities with up to £53k of funding from October 2012. This is intended to fund suitable administrative support, professional advice and guidance for running a specialist panel function, as well as associated development of Panel members and recruitment and promotion of the work of the Panel. An additional allocation of £920 per Panel member per year will also be made available in the first year of operation.</p> <p>9.2 The commitment to pay the funding is for more than a year, though the Home Office commitment is likely to be confined to the current spending review period, and a review of the funding for panels in 2013/2014 will take place.</p> <p>9.3 In the event of Home Office funding being discontinued after 2013, local authorities in Suffolk would need to determine how to resource the continuation of this statutory Panel.</p>

9.4 The only direct cost to the Borough Council at present will be the payment of any travel expenses incurred by its representative when attending Panel meetings.

10. Risk Assessment (*potential hazards or opportunities affecting corporate, service or project objectives*)

10.1

Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
	High/Medium/Low		High/Medium/Low
The Panel is not effective in holding the PCC to account.	Medium	Council nominates full representatives and substitutes who have the necessary skills. An induction and training programme is provided for all Panel members.	Low
Government funding to cover the cost of running the Panel is withdrawn after the initial funding period	High	Take any opportunities to lobby. Ensure costs are kept to the minimum, but consistent with providing adequate support to the Panel.	Medium

11. Legal or policy implications

11.1 Establishing the Panel as a formally constituted joint committee is a legal requirement of the Police and Social Responsibility Act 2011.

Wards affected	All	Portfolio Holder	Tourism and Community Services
Background Papers The Police Reform and Social Responsibility Act 2011 http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted 'PCC BULLETIN No 6 – 5 MARCH 2012' http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/pcc-bulletin-6?view=Binary Draft Protocol for Suffolk Police and Crime Panel as at 23 March 2012, available from the Head of Democratic Services, Suffolk County Council sue.morgan@suffolk.gov.uk or 01473 264512.		Subject Area Crime Reduction and Community Safety	

Membership of the Panel and representation

1. The Panel in Suffolk must have 10 councillors and 2 independent co-optees. The Panel may resolve to have a higher number of members, whether councillors or independent members, up to a maximum of 20, but only with the agreement of the Secretary of State.
2. The Panel's primary role is as a scrutiny function to hold the PCC to account, not the police force, and the appointments to the panel should be made on the basis that his or her other responsibilities within that local authority, or for it, do not make it inappropriate to carry out that scrutiny role.
3. Every effort should be made to ensure nominated members attend scheduled meetings of the Panel, however, in the event of a member not being able to attend; a named substitute may participate fully, including voting on decisions.
4. The following are excluded, by law, from membership of the Panel:
 - a) the Police Crime Commissioner
 - b) Staff of the Police Crime Commissioner of Suffolk
 - c) Civilian staff of Suffolk Police
 - d) Members of Parliament and Members of European Parliament
5. Each local authority is required to nominate one member to the Panel, but legislation allows for the panel arrangements to include provision for a particular local authority to have power to appoint one or more extra members of the panel where there are nine or fewer local authorities in the police area.
6. Political balance will be achieved on the basis of the elected councillors of all the authorities in Suffolk when taken together as at 7 March 2012 and reviewed annually following the May elections. This calculation will be based on each councillor's declared political affiliation.
7. A chart showing councillor representation based on each councillor's declared political affiliation at 7 March 2012 for Suffolk local authorities is available on request.
8. Having considered the need to produce a balanced panel, Suffolk leaders propose that the Suffolk panel should operate with eleven councillors and will need the approval as referred to in paragraph 1 above. This number provides for one councillor each from Babergh District Council, Forest Heath District Council, Ipswich Borough Council, Mid Suffolk District Council, St Edmundsbury Borough Council, Suffolk Coastal District Council, and Waveney District Council and Suffolk County Council would be able to nominate four councillors to assist with achieving the balanced panel requirement.
9. The panel arrangements must make provision about the co-option of, and holding of office by, the co-opted members of the Panel.
10. Subject to the approval of the Panel and the agreement of the Secretary of State, it is proposed that the Suffolk panel operates with three co-opted members. This includes two co-opted members who are independent of local councils and one who will be nominated by Suffolk County Council in order to meet the 'balanced appointment objective'.
11. The two independent co-opted members will be identified through advert and a competitive recruitment and selection process. The recruitment process will consider;
 - e) Skills and experience in spheres relevant to police and crime
 - f) Experience which complements the knowledge and experience of the political membership of the panel.
 - g) Experience of resource utilisation across a range of policy and service/business objectives and performance targets.
 - h) Knowledge of voluntary and community sector.

12. The nomination for appointment of the two independent co-optees will be made jointly by the monitoring officer of Suffolk County Council and another officer of a different authority, an elected member from a district or borough council and an elected member from the County Council. These places will then need to be confirmed by the panel at its first meeting.
13. For each nominated councillor member, each authority shall also appoint a named substitute of the same political affiliation. The councillor's term of office must not extend beyond their term of office with the appointing authority.

Representation

14. It is important to reflect that the role of the panel is primarily that of scrutiny and it should be capable of holding the PCC to account for decisions that impact across the whole of Suffolk.
15. There is no central prescription as to who should sit on the Panel; therefore, each local authority will need to take a view as to who their representatives should be.
16. For Suffolk it is proposed that the local authority representatives should be made on the basis that his or her responsibilities within their local authority, or for it, do not make it inappropriate to do so. Examples of where this may be the case includes:
 - i) Where a member of the Panel which is scrutinising the decisions of the PCC also sits on the Community Safety Partnership, which the PCC can hold to account for poor performance.
 - j) The proposed appointment of the Chief Constable or senior officers of the PCC.
 - k) Local authority executive members will have a stake in the delivery of the Police and Crime Plan that could be perceived to make it impossible for them to carry out truly independent scrutiny because of the requirement for the PCC to have regard to the priorities of, and to co-operate with, other public sector bodies in the area.
17. Those on the panel will need to have, or gain, knowledge of police budgets and precepts; knowledge of crime issues in Suffolk as a whole and how that is changing; what the evidence says about the best ways of reducing crime; experience of scrutiny processes; details of partnership working; an awareness of the broad spectrum of crimes that exist which are not necessarily at the forefront of the public's mind such as honour based violence and human trafficking; access to advice on the employment law for implications of conducting confirmation hearings, and some knowledge of the complaints regulations
18. The role that the panel member needs to fulfil can be summarised as follows:
 - l) Reviewing and scrutinising the performance of the Suffolk PCC, providing both support and challenge.
 - m) Focusing on key strategic actions and decisions taken by the PCC including whether they have achieved the objectives set out in their Police and Crime Plan and considered the priorities for community safety partners and consulted appropriately with the public.
 - n) Making evidence based recommendations to the PCC about the Police and Crime Plan, the level of the precept and the appointment of the Chief Constable.
 - o) Considering complaints against the PCC.
19. Key relationships include working with other members of the Panel and officers from the relevant councils. Other key relationships will be with members of the public, community groups, senior officers, business community and partner organisations including voluntary sector bodies.

The role of the Police and Crime Panel

1. The main role of the Panel will be one of scrutiny and challenge as well as to support the PCC and be a "critical friend".
2. The Panel provides checks and balances in relation to the performance of the PCC. In doing so it may challenge the PCC but it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes two important powers of veto by a two thirds majority of the total panel membership over:
 - a) The level of the PCC's proposed precept and
 - b) The proposed appointment of a Chief Constable
3. The Panel's powers include:
 - a) Reviewing the proposed precept and making a report to the commissioner which may include recommendations, including recommendations as to the precept that should be issued for the financial year.
 - b) Requiring the PCC and members of the commissioner's staff to attend the Panel to answer questions at a panel meeting.
 - c) Asking Her Majesty's Inspector of Constabulary for a professional view when the PCC intends to dismiss a Chief Constable
 - d) Reviewing the draft Police and Crime Plan, or draft variation, making recommendations at a panel meeting which the PCC must attend.
 - e) Reviewing the PCC's Annual Report and making reports and recommendations at a panel meeting which the PCC must attend.
 - f) Requiring relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations
 - g) Appointing an acting PCC where the elected PCC is incapacitated, resigns or is disqualified.
 - h) Having responsibility for complaints about a PCC, although serious complaints and conduct must be passed to the Independent Police Complaints Commission.
4. The Panel must also review proposed senior appointments by the PCC within three weeks of notification by the PCC of the proposed senior appointment. Senior appointments include the Commissioner's Chief Executive, the Commissioner's Chief Finance Officer and the Deputy Police and Crime Commissioner.
5. Where the Panel makes reports and recommendations it shall include:
 - a) An explanation of the matter reviewed or scrutinised.
 - b) A summary of the evidence considered.
 - c) A list of the participants involved in the review or scrutiny.
 - d) Any recommendations on the matter reviewed or scrutinised.
6. Copies of the reports and recommendations must be sent to each local authority in the Suffolk policing area.

Suffolk approach to establishing the Panel

1. When establishing the Panel there are some key principles which the leaders of Suffolk local authorities have agreed should underpin its operation:
 - a) Keep associated bureaucracy to a minimum whilst ensuring the Panel is appropriately constituted and supported.
 - b) Use the Home Office minimum standards as the guide for establishing the Panel where practicable.
 - c) The Panel should review its terms of reference/membership toward the end of each PCC's term of office to ensure it remains effective.
 - d) Panel members will need to be confident in their challenge, questioning and analysis skills as well as understanding key issues for police, crime and community safety in Suffolk. Training and development should be available to support the Panel members to do this.
 - e) The Panel will have the dual roles of robust challenge and critical friend for the PCC.
 - f) The Panel should establish constructive links to the PCC, Community Safety Partnerships and other relevant parts of the 'Suffolk system' including the Police Authority, during the transition to Police and Crime Commissioner.
 - g) The Panel should be representative of Suffolk communities and this may guide the recruitment and choice of co-optees.
 - h) The elected members of the Panel should be politically representative of Suffolk's local authorities (this is a requirement of the legislation)
 - i) The costs of the panel should not exceed the allowance from the Home Office (approx £53k for a full year and up to £920 for each panel member).

Panel Arrangements and Rules of Procedure

1. The Act 2011 details the need for the functions and procedural rules for the operation of the panel to be set out in 'panel arrangements' and 'rules of procedure'.
2. Each Suffolk local authority and each member of the Panel must comply with the arrangements established to comply with the Act.
3. Arrangements should cover all aspects of the Panel's operation including provision about the co-option of, and holding of office by, the co-opted members. They must also include provision about the term of office, resignation, removal and conditions for re-appointment of appointed members and co-opted members.
4. The local authorities may not formulate the rules of procedure they have to be determined by the Panel members when the Panel is formed. However, like other policing areas, Suffolk has developed some proposals for consideration by the Panel at its first meeting.
5. The Panel's rules of procedure must make provision about the appointment, resignation and removal of a person to chair the Panel and may make provision about the method of making decisions and the formation of sub-committees. The rules of procedure govern the conduct of the panel meetings and any sub-committees and must reflect relevant legislation.
6. As a joint local authority committee, the Panel will be bound by legislation about public accessibility to meetings. The Home Office may issue further Regulations setting out which existing provisions apply to panels in the Autumn which will need to be reflected in the Panel's rules of procedure.
7. All local authorities in Suffolk will need to make arrangements to nominate councillors to the Panel and collectively to ensure the political balance objective is met.

What are the timescales associated with this decision?

1. The Home Office has asked for confirmation of the Panel arrangements and the host authority by July 2012.
2. Each local authority in Suffolk is being asked to nominate the number of councillors referred to in the recommendations at their Annual meeting in either April or May 2012.
3. Each local authority is asked to make their nominations known to the Head of Democratic Services at Suffolk County Council by 10 June 2012.
4. Ongoing development work on the panel arrangements and draft rules of procedure taking into account any new guidance issued by the Home office and developing best practice elsewhere in the country.
5. Recruitment of the non elected members would need to start in June 2012 with a view to the first Panel meeting being held in October 2012.
6. Police and Crime Commissioner elected on 15 November 2012.
7. Further guidance is expected from the Home Office. In the meantime the Chief Executive of the Suffolk Police Authority is working with the officer working group to help shape an induction programme for Panel members and create a timeline that the panel will need to be working towards to ensure that appropriate dates are set to approve the Police and Crime Plan and the proposed precept.