



<b>REPORT OF:</b>	HEAD OF CORPORATE DEVELOPMENT
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<b>TO:</b>	COUNCIL
<b>DATE:</b>	12TH APRIL 2012

<b>AGENDA ITEM NO:</b>	10	<b>WARD(S) AFFECTED:</b>	ALL
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<b>SUBJECT:</b>	<b>POLICE AND CRIME PANEL - ESTABLISHMENT OF A JOINT COMMITTEE</b>
<b>RECOMMENDATIONS:</b> To approve: <ul style="list-style-type: none"><li>(i) the establishment of a joint committee to act as the Police and Crime Panel in accordance with the Police Reform and Social Responsibility Act 2011;</li><li>(ii) the arrangements for the Panel, including the process for appointing co-opting members, as set out in appendix 1;</li><li>(iii) Surrey County Council acting as the host authority and providing administrative support for the Panel;</li><li>(iv) the appointment of a representative from the Council to serve on the Joint Committee at the Annual Meeting of the Council, having regard to the person specification at appendix 2;</li><li>(v) the authorisation of the Chief Executive, in consultation with the Leader of the Council, to approve minor amendments to the proposals set out in this report in the light of Regulations issued under the Police Reform and Social Responsibility Act 2011; and</li><li>(vi) the consequential amendment of the Council's constitution arising from the proposals set out in the report.</li></ul>	
<b>SUMMARY</b> The Police Reform and Social Responsibility Act 2011 requires the establishment of a Police and Crime Panel in every force area to scrutinise the actions and decisions of the Police and Crime Commissioner (paragraph 1). The Panel must be a joint committee of all the authorities in the police area and the duty to appoint the Panel falls on these local authorities (paragraph 2). The report sets out proposals for a joint committee comprising representatives of the Surrey County Council and the eleven Surrey districts, together with two co-opted members who are not members of a local authority.	

The joint committee must be politically balanced. The report also details the role and powers of the Panel (paragraphs 7 to 11) and provides a proposal on its composition (paragraphs 12 to 23).

There are no significant financial implications for the Council. The County Council will administer and support the joint committee and receive Home Office grant in respect of its costs (paragraphs 24 and 29).

Each Council must pass a formal resolution in order to establish the Panel.

## **STATUTORY POWERS**

1. The Police Reform and Social Responsibility Act 2011 requires the establishment of a Police and Crime Panel in every force area to scrutinise the actions and decisions of the Police and Crime Commissioner.
2. The Panel must be a joint committee of all the authorities in the police area and the duty to appoint the Panel falls on these local authorities. The decision must be taken by the Council.
3. Regulations under the Police Reform and Social Responsibility Act 2011 on the establishment of Police and Crime Panels are currently awaited but are not expected to change, in any substantial way, the proposals set out in this report. However, to allow for minor amendment to the proposals delegation is sought to the Chief Executive, in consultation with the Leader of the Council.

## **ISSUES**

### **Context**

4. Police and Crime Panels are being introduced in every force area to scrutinise the actions and decisions of the Police and Crime Commissioner. Panels will support and challenge the Commissioners in the exercise of their functions, acting as a critical friend. The Panel will not replace police authorities and therefore will not have a role in scrutinising the performance of the force. This is the role of the Police and Crime Commissioner.
5. The Police and Crime Panel (the Panel) must be established before the first election of the Police and Crime Commissioner (PCC), due to take place on 15th November 2012. To allow time for the Panel to appoint co-opted members and sufficient training to be undertaken prior to the PCC taking office, local authorities are being asked to establish the Panel in May 2012 and appoint members. The appointed members will then co-opt members in July 2012 so that all members are able to participate in an induction programme during September and October 2012.
6. The Panel must be a joint committee of all authorities in the police area and the duty to appoint the Panel falls on these local authorities. Each authority must therefore pass a formal resolution in order to establish the Panel.

## **Role of the Panel**

7. The Panel provides a check and balance against the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of his/her statutory functions. The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC.
8. The Panel will be a scrutiny body and have powers to:
  - require any papers in the PCC's possession (except those that are operationally sensitive).
  - require the PCC (and their staff) to attend the Panel to answer questions.
  - request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
  - make reports and recommendations on any action or decision of the Commissioner.
9. The Act also details the functions that the Panel will exercise as follows:
  - review the draft police and crime plan, or draft variation, given to the panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
  - review the PCC's annual report and make a report or recommendations on the report to the PCC.
  - review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
  - publish any report and recommendations made to the PCC.
  - review certain senior appointments made by the PCC.
  - review chief constable appointments, with the power to veto the appointment with a  $\frac{2}{3}$  majority.
  - review and report on the PCC's proposals to remove a chief constable.
  - review the PCC's level of precept, with the power to veto the precept with a  $\frac{2}{3}$  majority.
  - suspend the PCC on their being charged with certain criminal offences.
  - appoint an acting PCC if necessary.
  - initial handling and informal resolution of complaints about the conduct of the PCC/Deputy PCC.
10. The Panel will not be able to exercise any functions other than those conferred by the Act.
11. It is the duty of the local authorities in Surrey to agree the arrangements for the panel (as set out in appendix 1). The Panel will then be responsible for agreeing the rules of procedure, with appointed members reporting back to their respective authorities as appropriate.

### **Composition of the Panel**

12. As mentioned above, the Panel is a joint committee of all the authorities in the police area, made up of both appointed and co-opted members. In a police area with more than 10 authorities, appointed members will be equal in number to the number of local authorities in the area, with one from each authority. Therefore, in Surrey, this equates to 12 appointed members.
13. In addition, there must be at least two co-opted members of the Panel. With the agreement from the Secretary of State, the Panel may co-opt more than two members, but the total panel size must not exceed 20 members in total. If there are only two co-opted members of the Panel, they cannot be members of the local authorities. If there are more than two, then at least two of them must not be members of the local authority.
14. The Panel must be politically “balanced.” This means:
  - (a) Local authority members when taken together should:
    - represent all parts of the police area;
    - represent the political make-up of all authorities when taken together;
    - have the skills, knowledge and experience to discharge the functions of the Panel.
  - (b) When the Panel co-opts members, they must ensure the Panel taken together has the relevant skills, knowledge and experience.
15. The police area for Surrey follows the same borders as the County boundary. With each local authority appointing one Member to the Panel, all parts of the police area will be represented.
16. In Surrey, there are 574 councillors across the County, District and Borough Councils. Of these, 393 (68.5%) are Conservative, 86 (15%) Liberal Democrat, 60 (10.4%) Residents’ Association and 35 (6.1%) ‘Other’. Therefore, of the 12 elected Members, it is proposed that they include 9 Conservatives, 2 Liberal Democrats and 1 Residents Association.
17. In order to best represent the proportionality of the various individual councils across Surrey, it is suggested that the Residents Association nomination be made by Epsom and Ewell and the two Liberal Democrat nominations are made from the councils with the largest groups when taken as a percentage of the individual council size (Woking and Mole Valley).
18. The proportionality will be reviewed following each local election and any resulting changes required to the political balance will be reported to all authorities to consider, as appropriate.

19. Finally, it is important that in making appointments, local authorities consider the skills, knowledge and experience required to discharge the functions of the Panel. A person specification, outlining the key competencies and skills required is set out in appendix 2 and should be taken into account when agreeing any appointments. This will also form the basis for assessing co-opted members.
20. Twenty is a maximum number of members for the Panel and there is no expectation in the guidance that the Panel needs to be as large as this. In considering the arrangements for Surrey, the Leaders' Group have recommended that a panel of 14 (12 appointed members and 2 co-opted) will be more manageable and focused, whilst still providing for a balanced Panel. However, if when constituted, the Panel feels that it is not appropriately balanced, either in political make-up or skills, then it could make representations to the Secretary of State to co-opt additional members.
21. The Panel will meet approximately quarterly at venues within Surrey, with additional special meetings as necessary (for example to deal with senior appointments). The Home Office will make available up to £920 per panel member for expenses.
22. It is anticipated that a special responsibility allowance will be paid to the Chairman and Vice-Chairman of the Panel. A further report on the level of this allowance and how it will be funded will be made to all authorities as necessary once the Panel has agreed its rules of procedure (post November 2012.)
23. It is for the Panel to appoint co-opted members, although the authorities must agree the process (see appendix 1.) Each local authority will appoint a representative to the Panel at their annual meeting, in line with their own committee appointment procedures.

### **Support to the Panel**

24. The Act requires that arrangements be made for administrative support for the Panel and for the role of the Panel to be promoted. Guidance from the Home Office also recommends that one authority within the police area is agreed as the host authority, responsible for the day to day running of the Panel. The host authority will receive Home Office funding of £53,300 per annum to support this new responsibility although in 2012/13, this will be pro rata from October 2012.
25. The Surrey Leaders' Group agreed that Surrey County Council should act as the host authority and provide the necessary officer support using the government funding available.
26. For 2012/13, a policy officer has been appointed to lead on establishing the Police and Crime Panel and provide committee management support to the Panel's meetings. Initially, this is a fixed term post until July 2013.

27. Once the Panel has been fully established, the support needs will be reviewed in consultation with the Panel and local authorities and a further report on the recommended support arrangements made to authorities as necessary.

#### **LEGAL IMPLICATIONS**

28. None other than those set out in the report.

#### **FINANCIAL IMPLICATIONS**

29. There should be no significant direct costs falling upon the Council as a result of the establishment of the Joint Committee. A contribution towards the payment of a Special Responsibility Allowance to the Chairman and Vice-Chairman may be required but it should be possible to contain this within the Members Allowances budget for 2012/13.

#### **EQUALITY ISSUES**

30. The composition of the joint committee will ensure that all sections of the community are represented in relation to its work on Police matters as prescribed by the Act.

Background Papers:     None.

**Appendix 1**

**Surrey Police and Crime Panel  
Panel Arrangements**

**1. Membership**

- 1.1. The Panel will be made up of 12 appointed members, one from each local authority in Surrey, and two independent members. All members of the Police and Crime Panel may vote in proceedings of the Panel.
- 1.2. All county, district and borough councillors are eligible to be members of the Police and Crime Panel. Appointments will be made at the relevant Council's annual meeting, with the term of office agreed by that Council.
- 1.3. The appointed panel membership shall, as far as possible, be politically balanced.
- 1.4. A vacancy on a Police and Crime Panel arises when an appointed or independent member resigns or is removed from the membership of the panel.
- 1.5. Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 3.
- 1.6. Conditions for re-appointment of appointed and co-opted members (e.g. maximum term) – to be determined – see recommendation (v) and paragraph 3.

**2. Functions of the Panel**

- 2.1. To review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (PCC) and make a report and recommendations the PCC, who must have regard to them.
- 2.2. To review the PCC's annual report and ask questions, make reports and recommendations at a public meeting, which the PCC must attend.
- 2.3. To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 2.4. To publish any reports or recommendations made to the PCC.
- 2.5. To require the PCC and members of their staff to attend the Police & Crime Panel to answer questions.
- 2.6. To hold a confirmation hearing to review, make a report and recommendation in respect of certain senior appointments made by the PCC.

- 2.7. To hold a confirmation hearing to review and make a report on the proposed appointment of the Chief Constable, with the power to veto the appointment by a  $\frac{2}{3}$  majority.
- 2.8. To hold a scrutiny hearing to review and report on the PCC's proposals to remove a Chief Constable.
- 2.9. To review the PCC's level of precept, with the power to veto the precept by a  $\frac{2}{3}$  majority
- 2.10. To suspend the PCC on their being charged with certain criminal offences.
- 2.11. To appoint an acting PCC where the elected PCC is incapacitated, resigns or is disqualified.
- 2.12. To handle complaints about the conduct of the PCC and/or Deputy PCC and engage in informal resolution of such complaints, passing serious complaints to the Independent Police Complaints Commission (IPCC) as appropriate.
- 2.13. The Police and Crime Panel may not exercise any functions other than those conferred by the Police Reform and Social Responsibility Act 2011 (as outlined in paragraphs 2.1-2.12 above.)

### **3. Selection of Independent Members**

- 3.1. The Police and Crime Panel shall co-opt two independent members onto the Panel for a term of four years, starting in September 2012.
- 3.2. The recruitment process will include a public advertisement, via Surrey's shared job website, for a period of at least 2 weeks. Information packs will be prepared and made available to interested parties, including the person specification for a panel member outlining the skills, knowledge and experience required.
- 3.3. The applications will be considered against an agreed eligibility criteria and then a nominated sub-group of the appointed panel members will be invited to meet to consider applications and interview candidates.
- 3.4. Following the interviews, the sub-group will make recommendations to the Panel about membership.

### **4. Removal of, or resignation of, appointed and co-opted Members**

- 4.1. To be determined - see recommendation (v) and paragraph 3.



**5. Allowances**

5.1. To be determined - see paragraphs 21 and 22.

**6. Promotion of, and support for, the Panel**

- 6.1. The role of the Police and Crime Panel will be promoted, with information provided on all 12 local authority websites and opportunities identified to promote with the public through existing resident newsletters and events as appropriate.
- 6.2. Surrey County Council shall act as the host authority and provide the necessary officer support using the government funding available.
- 6.3. Once the Panel has been fully established, the support needs will be reviewed in consultation with the Panel and local authorities and a further report on the recommended support arrangements made to authorities as necessary.
- 6.4. The appointed members of the Panel will act as the main conduit between the Panel and their local authority. They will report back to the local authority on the work of the Panel as appropriate and provide support and guidance to Members and officers of the relevant local authority on the functions of the Police and Crime Panel, signposting to officers or other organisations as necessary.

## Appendix 2

### Person Specification for Police & Crime Panel Member

#### Competencies

- *Strategic thinking*: the ability to rise above detail and see problems from a wider, forward-looking perspective.
- *Scrutiny and challenge*: the ability to rigorously scrutinise and challenge constructively, using appropriate data and evidence.
- *Openness to change*: challenging accepted views in a constructive way
- *Analytical ability*: interpreting and questioning complex material including financial, statistical and performance information.
- *Communication*: explaining situations clearly, together with a willingness to listen to and represent the views of all sections of the community on policing issues.
- *Effective time management*: identifying priorities and making the most productive use of one's own and others' time.

#### Personal Skills & Qualities

- *Respect for others*: capacity to treat all people fairly, with respect and valuing diversity.
- *Integrity*: embracing high standards of conduct and ethics.
- *Enthusiasm and drive*: willingness to learn and develop to enhance one's knowledge and understanding.
- *Team Working*: playing an effective role through listening, persuading and showing respect for the views of others.
- *Self confidence*: seek out and listen to the views of others and play an active part in discussions and debates.

All Panel Members, both appointed and co-opted, are expected to carry out their responsibilities in accordance with the Nolan Principles of standards of conduct in public life.

Panel Members will be expected to attend all meetings of the Panel (approx. 4-6 a year) and any sub-committees or groups to which they are appointed, as well as any relevant learning and development activities.

Confirmation of appointment as a Panel Member is subject to security vetting at the appropriate level. (To be confirmed by Surrey Police)