

# AGENDA

## Cabinet

Date: **Thursday 10 May 2012**

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Time: **2.00 pm**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Sally Cole, Committee Manager Executive**

Tel: (01432) 260249

Email: [scole@herefordshire.gov.uk](mailto:scole@herefordshire.gov.uk)

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# Agenda for the Meeting of the Cabinet

## Membership

Chairman                      Councillor JG Jarvis

Councillor AJM Blackshaw  
Councillor H Bramer  
Councillor PM Morgan  
Councillor RJ Phillips  
Councillor PD Price  
Councillor DB Wilcox

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b> To approve and sign the minutes of the meeting held on 16 April 2012.	1 - 4
<b>4. GUIDING PRINCIPLES FOR THE HEREFORDSHIRE LEARNING COMMUNITY</b> To seek Cabinet endorsement of the guiding principles for the Herefordshire learning community on behalf of the Council.	5 - 16
<b>5. ESTABLISHMENT OF POLICE AND CRIME PANEL</b> To recommend the establishment of a Police and Crime Panel (PCP) to Council.	17 - 32



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 16 April 2012 at 2.00 pm**

**Present:** Councillor JG Jarvis (Chairman)

**Councillors:** AJM Blackshaw, PM Morgan, RJ Phillips, PD Price and DB Wilcox

**In attendance:** Councillors RB Hamilton, JA Hyde, AW Johnson, GJ Powell, EPJ Harvey, TM James, RI Matthews and A Seldon

**167. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor H Bramer, Cabinet Member Major Contracts.

**168. DECLARATIONS OF INTEREST**

1. Urgent Item: Supplementary Agreement and Deed of Variation to the Retail Quarter (old livestock market) Development Agreement.  
Chris Bull, Personal, Board Member of Hereford Futures.

1. Urgent Item: Supplementary Agreement and Deed of Variation to the Retail Quarter (old livestock market) Development Agreement.  
Councillor JG Jarvis, Personal, Board Member of Hereford Futures.

**169. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 5 April 2012 be approved as a correct record and signed by the Chairman.

**170. SUBSIDIES, FEES AND CHARGES UPDATE**

The Cabinet Member Corporate Services and Education presented the report to Cabinet and the following points were made in discussion:

- Herefordshire was in the lower quartile for cost recovery. Officers were looking at ways to increase the percentage of cost recovery achieved.
- Thanks were expressed to Councillor Harvey as the Overview and Scrutiny Vice-Chairman chairing the Task and Finish Group looking into fees and charges.
- Cabinet was informed of the government proposal to give local authorities the power to levy a charge on any company requiring to dig up the roads between the hours of 6.00 am and 6.00 pm to minimise the inconvenience to the public.
- In referring to car parking charges the Cabinet Member, Environment, Housing and Planning requested the review of car parking charges to include on and off street car parking charges. It was confirmed that the six month review was due to commence shortly and would include extensive consultation.

- The Chairman of the Task and Finish Group drew Cabinet's attention to the report of the Task and Finish Group which contained a number of recommendations and highlighted areas of concern.
- There was concern that consultants Price, Waterhouse, Cooper had been asked to carry out a similar piece of work to the Task and Finish Group.
- Cabinet was informed that there would be a formal response by the Executive to the report and recommendations of the Overview and Scrutiny Task and Finish Group.

## **RESOLVED**

### **THAT:**

- a) **the set of revised charging principles included in the report be agreed; and**
- b) **the implementation of any changes to fees and charges covered by the principles and policy direction, including those outlined in this report, be carried out under the overall scheme of delegation.**

## **171. HEREFORDSHIRE ARMED FORCES COMMUNITY COVENANT**

The Cabinet Member Highways, Transportation and Sustainability introduced the report on the Armed Forces Community Covenant. The report has been completed in consultation with the Armed Forces Association and charity organisations.

The following points were made in discussions:

- It was noted the government first put forward guidelines for the Covenant in June 2011, outlining five key aims.
- Pages 17 to 21 of the report outline the action plan for Herefordshire, which will address the five key aims. It was noted that further detail was needed on how the action plan would tie in with the Council's strategies and plans and how the success of delivery would be monitored. Cabinet was advised that part of the plan linked in to the Health and Wellbeing Board.
- The next step is for the formal signing and launch of the Herefordshire Armed Forces Community Covenant, and that details of the launch date would be available by the end of May.
- Cabinet was informed that this was a non-political issue and was supported by all political groups.
- Councillor Sinclair-Knipe would be the lead Cabinet Support Team member and would be supported by Councillors: Matthews and Kenyon.

**RESOLVED: That the Herefordshire Armed Forces Community Covenant, which incorporates an Action Plan and delivery arrangements (as set out at Appendix 1 to the report) be approved.**

## **172. HEREFORDSHIRE AND SHROPSHIRE HOUSING STRATEGY 2012/15**

The Cabinet Member Environment, Housing and Planning presented the report on the Joint Housing Strategy for Herefordshire and Shropshire. The following points were made in discussion:

- An action plan is being worked up alongside the strategy before cabinet for approval.



- In referring to page 31 of the report, key challenges, the main aspect for Herefordshire was the lower earning income rate for families. Herefordshire was in the lower quartile, which made it very challenging for young people to get on the housing ladder.
- Cabinet noted that basic housing needs and requirements were covered in the overall strategy and the Local Development Framework (LDF) covered the needs of specific local areas. The action plan linked to the LDF.
- It was emphasised that affordable housing in rural areas needed to be appropriate and specific to rural jobs and the incomes afforded from those jobs.
- Cabinet discussed the issues of fuel poverty for rural areas and the need to lobby central government on fuel prices.

**RESOLVED: That the Herefordshire and Shropshire Housing Strategy 2012-15 be approved and adopted.**

**173. HEREFORDSHIRE COMMUNITY SAFETY STRATEGY 2011/14**

The Cabinet Member Highways, Transportation and Sustainability presented the report. The following points were made in discussion:

- The Herefordshire Community Safety Strategy is a statutory partnership working with the Herefordshire Partnership Executive Group.
- Page 88 of the report outlines the key considerations and how partner organisations will work together and target resources in the most efficient and effective way. The strategy will be reviewed as part of the Council's Root and Branch Review.
- It was noted that performance had been achieved against most of the targets.
- In response to a comment by the Chairman of Overview and Scrutiny and Member concerns that issues such as speeding / road safety were currently taking two to three years to be resolved; it was stated that the new Crime panels should bring about greater accountability and scrutiny of these issues.

**RESOLVED: That Cabinet recommend to Council that the Herefordshire Community Safety Strategy 2011/14 be adopted.**

**174. URGENT ITEM: SUPPLEMENTARY AGREEMENT AND DEED OF VARIATION TO THE RETAIL QUARTER (OLD LIVESTOCK MARKET) DEVELOPMENT AGREEMENT**

The Chairman reminded Cabinet of the report that had been received at the 5 April Cabinet meeting on the Deed of Variation to the Retail Quarter. He advised that following the call-in of that decision and the subsequent Overview and Scrutiny meeting the matter was before Cabinet as an urgent item in order that contractual arrangements could be concluded. The Leader told Cabinet and Group Leaders that questions would only be taken from the Chairman of Overview and Scrutiny and Cabinet Members.

The Chairman of Overview and Scrutiny referred to the five points put forward by the Committee for consideration by Cabinet, which were:

*That Cabinet should ensure that:*

- a) the procurement processes that have been undertaken are robust, and are content that appropriate steps have been taken to safeguard the Council's position under the EU procurement rules.*
- b) Cabinet be satisfied that a comprehensive risk assessment which identifies mitigation measures has been undertaken.*

- c) *an economic risk assessment, including financial impact statement on the viability of High Town and the surrounding streets, be undertaken before these Variations are approved in order to ensure that there should be no disproportionate effect on the independent trading sector.*
- d) *there has been a complete and robust Equality Impact assessment undertaken.*
- e) *further due diligence be shown to have been undertaken in demonstrating that value for money will be derived from the Variations.*

In response the Cabinet Member Enterprise and Culture stated that Pincet Mason, the legal firm providing advice, had reviewed the retail quarter and had been present at the Cabinet meeting on 5 April. They had also provided advice at the Overview and Scrutiny meeting. The Cabinet Member assured Cabinet that although delegated authority had been given to the Director there would be continuing and appropriate review of risks. The Director would continue to seek the advice of the Section 151 Officer to ensure value for money. He stated the review had identified the risks to the high street shops and the new retail quarter, a copy of that advice had been provided with the Cabinet papers.

The Cabinet Member moved the recommendations, which were seconded by the Leader. The revised recommendations were agreed unanimously.

## **RESOLVED**

### **THAT:**

- a) **regard was given to the matters contained in the exempt report;**
- b) **the terms of the Deed of Variation, Deed of Novation and Option agreement with Stanhope Plc and British Land Plc described in the report was approved; and**
- c) **authority be delegated to the Director for Places and Communities to finalise the necessary documents exercising continued diligence on equalities issues, value for money, risk assessments and mitigation.**

The meeting ended at 3.45 pm

**CHAIRMAN**

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>10 MAY 2012</b>
<b>TITLE OF REPORT:</b>	<b>GUIDING PRINCIPLES FOR THE HEREFORDSHIRE LEARNING COMMUNITY</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES AND EDUCATION</b>

CLASSIFICATION: Open –

### **Wards Affected**

County-wide

### **Purpose**

To seek Cabinet endorsement of the guiding principles for the Herefordshire learning community on behalf of the Council.

To adopt their use in policy-making and decisions for all business affecting the education and development of children and young people including the Council's root and branch reviews covering living, learning and working in Herefordshire.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT Cabinet:**

- (a) Endorse and adopt the guiding principles for the Herefordshire learning community on behalf of the Council.**
- (b) Ensures that the Council uses the guiding principles in policy making and decisions in all business affecting the education and development of children and young people.**

### **Key Points Summary**

- The 'Herefordshire learning community' is a collective term for all those who commission or provide education and training for children and young people between the ages of 0 and 19, or up to age 25 for young people with lifelong learning difficulties or disabilities.
- A commonly accepted and adopted set of guiding principles will challenge all Herefordshire learning community institutions and representative groups. It will challenge them to focus on what the guiding principles mean in terms of their respective roles and

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Further information on the subject of this report is available from  
Rob Reid, Head of Sufficiency & Capital Commissioning People's Services on (01432) 260920

responsibilities. It will also challenge them to be able to demonstrate the tangible actions they will deliver to make Herefordshire a place that gives every child and young person, no matter how advantaged or disadvantaged, the best possible opportunity to reach their full potential.

- Herefordshire aspires to be in the top quartile of performance for early years and education. There are some outstanding individual achievements, and some outstanding performance at individual early years settings, schools and colleges. However, with the exception of Key Stage 1, 2011 saw Herefordshire perform at below national average in all other Key Stages, although performance at post-16 is good. With fewer pupils/students and therefore reduced financial resources, Herefordshire faces increasing challenges to improve education and development opportunities for all of its children and young people, from early years through to age 19 and up to 25 for young people with lifelong learning difficulties and disabilities. The context for educational provision has changed significantly in recent years, with changes in responsibilities for the Local Authority, early years' settings, schools and colleges.
- The Herefordshire learning community recognises these challenges and opportunities as key drivers for change and, through consultation, broad support has been established for the following mission statement and guiding principles for the Herefordshire learning community:

#### **Mission statement of the Herefordshire learning community:**

Our business is about educating and developing EVERY child and young person within a cost effective and sustainable learning community. We will have the highest expectation and belief in every individual's talents and abilities - we will not turn our back on anyone.

#### **Guiding Principles:**

We will be able to show that we.....

- Have the highest expectations and aspirations for every child and young person.
- Educate and develop the intellectual, physical, social and spiritual needs of every child and young person to help them achieve their best and enable them to make a positive contribution.
- Provide high quality teaching and learning, care, guidance and support.
- Have a curriculum and other learning opportunities that meet the needs of Herefordshire children and young people.
- Contribute to mutually supportive relationships with parents, carers and other agencies that put the needs and aspirations of children and young people first.
- Work with businesses to create learning experiences that are relevant to the world of work and the economic needs of Herefordshire.
- Work with partners to ensure every child and young person has barriers to their learning identified early then reduce or remove the impact.
- Implement and commission appropriate collaborative partnerships within and across education phases to deliver high quality, cost-effective, education provision.

- Ensure that all providers of education contribute to the development of their communities and to the wider community of Herefordshire.
- The Herefordshire learning community will implement these guiding principles by using and developing existing groups and partnerships where possible to deliver the following outcomes:

- **Strong and effective leadership and management within education and the community.**

Groups such as the Herefordshire Association of Governors, Herefordshire Leadership Community, Diocesan partners and the Herefordshire Business Board will be key to ensuring a ready supply of ambitious, entrepreneurial education leaders and managers.

- **A curriculum which leads to skilled, confident and knowledgeable learners.**

Headteachers' groups, further and higher education providers, the Early Years' Strategy Group, the Strategic Planning Group, 11 – 19 Partnership, Herefordshire Business Board and the Marches Local Enterprise Partnership will all use the freedoms available to develop relevant, engaging and co-ordinated curricula and learning experiences that will give the children, young people and the economy of Herefordshire an advantage over other areas. Our aim is to be in the top quartile nationally for all educational performance measures within five years. For those where we are already top quartile nationally, we will be consistently in the top 3 against statistical neighbours.

- **A strong community role and resource.**

Education providers and multi-agency groups of statutory and third sector partners will play a leading role in their communities – with a locality focus that co-ordinates best use of facilities, assets and other resources to promote opportunities that meet local need cost effectively, including family learning, provision for 2, 3 and 4 year olds, adult learning, health, social and economic needs.

- **Removing and reducing barriers to learning.**

Multi-agency groups of statutory and third sector partners will play an increasingly vital role in the early identification of issues that prevent children and young people reaching their full potential. Actions will be delivered through a multi-agency approach to issues such as child poverty, families with multiple needs, children and young people with specific needs, parenting skills, poor housing, lack and cost of transport, language skills, bullying and disadvantage due to social identity or “protected characteristics” under equality legislation.

- **A more cost effective education system.**

Schools Forum and the development work of its Budget Working Group will play a vital role in ensuring that Herefordshire's learning community works together to ensure that it's diminishing financial resource, with falling pupil/student rolls and tough economic environment, delivers affordable best value across all sectors and age groups.

- Herefordshire's education institutions and representative groups will need to consider their roles and contributions to ensuring that the guiding principles are implemented successfully

through 'SMART' action plans. The Local Authority will use its knowledge and expertise of broader contexts to ensure education providers are able to collaborate for the greater good. Adoption of the principles by Cabinet will see the Local Authority use the principles to inform its planning, policies and to deliver its statutory duties as a commissioner of education provision and as a champion for children, young people and parents.

- The guiding principles are supported by the actions agreed by Cabinet as part of the 2012/13 Corporate Delivery Plan and will continue to shape future action plans. See Appendix B.
- The guiding principles will be taken forward by the Strategic Planning Group. This group will establish an implementation plan with agreed targets and milestones. This is not solely a Council plan, recognising the changing nature of responsibilities for education and the part a range of different organisations, including school governors, will play. An important element of this plan will be formal sign-up by individual institutions' governing bodies, management boards and their representative groups e.g. Herefordshire Association of Governors, Schools Forum, 11-19 Partnership, Early Years Forum, Headteacher groups etc. Sign-up by all will be sought and encouraged by the end of the current academic year.
- The implementation plan and progress on the adoption of the guiding principles will be monitored by the Strategic Planning Group and an annual report will be submitted to the Cabinet Member.
- The guiding principles and associated action across the Herefordshire learning community to implement them, will help to deliver the following long term outcomes of the Corporate Delivery Plan:
  - 1.1 Economic regeneration of Herefordshire
  - 1.3 Growing businesses, jobs and wage levels.
  - 1.4 Development of employment skills, including access to higher education.
  - 1.5 A reduction in health inequalities for the working age population.
  - 3.1 Sustainable education provision throughout Herefordshire.
  - 3.2 Improved intervention and support for children and young people and keeping them safe.
  - 3.3 Improved performance by early years and primary school pupils, including vulnerable groups relative to their peers.
  - 3.4 Reduced child poverty.
  - 3.5 Families and communities that are able to support all children and young people effectively.
  - 3.6 A reduction in health inequalities for children and young people.
  - 4.4 Ways of working that reflect the needs and priorities of people and place.
  - 5.2 Accessible services.
  - 5.3 A strong regional and national reputation for Herefordshire.
  - 5.5 Increased equality of opportunity.
  - 6.1 High quality assessments of need.
  - 6.3 High levels of customer and citizen satisfaction.
  - 6.4 A high quality workforce.

## Alternative Options

1. The guiding principles could be rejected. This would be counter to the wishes of the learning community, including academy schools, who have pressed for a vision and set of guiding principles to be explicitly stated and acted upon by the Council. There is widespread expectation that the guiding principles will be established and a consensus achieved about them.

## Reasons for Recommendations

2. The context for educational provision has changed significantly in recent years, with changes in responsibilities for the Local Authority, early years' settings, schools and colleges. The introduction of the Early Years Foundation Stage has placed increased expectations upon early years' providers in terms of standards and quality of provision. Successive governments have introduced legislation to give greater autonomy to schools and to make it easier for popular and successful schools to expand. The current Government is introducing further legislation aimed at making such expansion easier for schools. The effect of this for Herefordshire at a time of falling school rolls is that surplus capacity at other schools, and possibly vulnerable schools in terms of pupil numbers, is increased. The role of the local authority as a commissioner of education and training provision and as a champion for parents, children and young people is enhanced and colleges, which have enjoyed a greater degree of autonomy for almost two decades, have had to react to increased Government expectations whilst funding in recent years has reduced.
3. There is a sense by all sectors of the learning community of the need to work together as one Herefordshire learning community, irrespective of sector or status. This set of guiding principles is relevant for all partners to sign up to. They are what unify us as a Herefordshire learning community.
4. With the impact of falling pupil and student numbers and the consequent reduction in revenue and capital resources, Herefordshire faces increasing challenges to maintain and improve education and development opportunities for all of its children and young people. This may be compounded in future by a national funding formula for schools which may not improve Herefordshire's funding position as a very low funded local authority area.
5. The Herefordshire learning community, all those who commission or provide education and training for children and young people recognise the need to respond to those challenges as a whole learning community.
6. The guiding principles have been established in consultation and partnership with the county's education and training providers. They offer a framework for all education and training commissioners and providers to plan and work collaboratively to ensure Herefordshire's children and young people get every possible opportunity to achieve their best.
7. This approach will help to enhance opportunities for children and young people into adulthood by ensuring that education and training links closely with the business and wider community needs in Herefordshire now and into the future.
8. It is intended and anticipated that commissioners and providers across Herefordshire will 'sign-up' to adopt the guiding principles. Endorsement and adoption of the guiding principles by Cabinet on behalf of the Local Authority will demonstrate the Local Authority's commitment and community leadership.

## Introduction and Background

9. The Local Authority has worked with partners to provide a set of guiding principles for the Herefordshire learning community. Equally, the national direction is for governing bodies to play the pivotal role in determining, with their communities, the vision and direction for their institution. A successful learning community, including early years providers, schools, colleges, training providers and the Local Authority will be underpinned by a collective set of

principles, so that Herefordshire children and families are to be assured of equality of access, opportunity and achievement wherever they live.

## **Key Considerations**

10. The role of the Local Authority has changed, and the accountabilities for school provision have fundamentally changed with the recent Academies Act. The guiding principles, and subsequent development of a jointly owned implementation plan, overseen by the Strategic Planning Group, will enable Herefordshire to operate effectively within the new context, championing the rights of children and young people to a high quality education. Herefordshire has successfully delivered high quality education across a range of indicators over a number of years and there are some outstanding and very good individual early years settings, schools, sixth forms and colleges. However, in overall average terms, 2011 saw Herefordshire's performance below national average at Key Stages 2, 3 and 4.
11. With fewer pupils/students and therefore reduced financial resources, Herefordshire faces increasing challenges to improve education and development opportunities for all of its children and young people, from early years through to age 19 and up to 25 for young people with lifelong learning difficulties and disabilities.
12. The context for educational provision has changed significantly in recent years, with changes in responsibilities for the Local Authority, early years' settings, schools and colleges.
13. Children and young people live in a global society and need the skills and understanding to function in this context. For Herefordshire, there are some really exciting possibilities with the potential freedoms within the national curriculum, academy freedoms and opportunities afforded through high speed broadband development.
14. Early years providers, schools and colleges are responsible for determining with their communities, the vision and direction for their institutions.
15. The guiding principles have been established in consultation and partnership with, and are supported by, the county's education and training commissioners and providers.
16. To be an effective education system, partners need to be able to sign up to unifying guiding principles for Herefordshire; understand what they mean in terms of their personal contribution; and commit to undertaking their role, responsibilities and actions to fulfil those principles.
17. The Local Authority and partners are developing co-ordinated strategic action plans that will deliver the guiding principles throughout the Herefordshire learning community.
18. The Local Authority will use the principles to deliver its statutory duties.

## **Community Impact**

19. The establishment of a clear set of guiding principles will have wide ranging community impacts, benefiting children and young people and their families across Herefordshire. The principle of forming collaborative partnerships within and across education phases will help to deliver high quality, cost effective, education provision. Work with businesses will create learning experiences for children and young people that are relevant to the world of work and to the economic needs of Herefordshire. The guiding principles also recognise the role of education providers in contributing to the development of their immediate communities and more generally to the wider community of Herefordshire.



## **Equality and Human Rights**

20. This decision pays due regard to our public sector equality duty. Specifically, the guiding principles for the Herefordshire learning community aim to reduce the impact of falling pupil and student numbers and reduced financial resources on the education and development of all children, young people and their families. They aim to remove or reduce barriers to learning for disadvantaged children and young people, be they specific to individuals or to identifiable groups such as Gypsies, Travellers and migrants from Eastern Europe.

## **Financial Implications**

21. Despite a recent marginal rise in birth rates, Herefordshire continues to experience falling school rolls as higher cohorts of pupils leave at age 16 and 19 than enter reception. A significant consequence of this is that Herefordshire's funding for schools is reduced significantly.
22. If the Herefordshire learning community is to ensure that it provides its children and young people with the best possible outcomes individually and that it meets the needs of the people and businesses of Herefordshire into the future, more financially efficient means of delivering these entitlements need to be found. Herefordshire Council has a duty to ensure that this is done in a planned way.

## **Legal Implications**

23. Herefordshire Council has a duty to commission sufficient child care places, school places, provision for children with disabilities and post 19 -25 provision for students with learning difficulties and disabilities. The Council also has a duty to ensure the quality of this commissioned provision.
24. Schools are responsible for determining their own collaborative arrangements with other schools.
25. The Local Authority remains responsible for school organisation in its area including decisions on school closures, where this is necessary, and determining the capacity of schools, in liaison with the DfE in the case of academies.
26. Successive governments have introduced legislation to make it easier for popular and successful schools to expand and the current Government is introducing further legislation aimed at making such expansion easier for schools. The effect of this for Herefordshire at a time of falling school rolls is that surplus capacity at other schools, and possibly vulnerable schools in terms of pupil numbers, is increased.

## **Risk Management**

27. There is a risk to outcomes for children and young people in all sectors that are affected by a market place approach to provision. This is already heightened for some providers which are struggling financially due to falling rolls. A strategic approach, by putting the guiding principles into practice with engagement from all parties to developing provision, including meaningful collaboration, will mitigate against this risk.

## **Consultees**

28. Consultation took place between November 2011 and January 2012 with a number of partners and representative groups including the Strategic Group, Schools Forum, Herefordshire Association of Secondary Headteachers, Herefordshire Primary Headteachers' Forum, 14 – 19 Partnership Group, Early Years Forum, Herefordshire Association of Governors and its Executive group, the Herefordshire Leadership Community and Trades Unions.

## **Appendices**

29. Appendix A – Background and context to the development of the mission statement and draft guiding principles for the Herefordshire learning community.

## **Background Papers**

- None identified.

## Appendix A

### **Background and context to the development of the mission statement and draft guiding principles for the Herefordshire learning community.**

1. The Local Authority is accountable for commissioning education providers and for ensuring that every early years, school, college and training provider plays its part in giving children and families an excellent start and preparation for life. The Local Authority also uses its knowledge and expertise of broader contexts to ensure education providers are able to collaborate for the greater good.
2. Early years providers, schools and colleges are responsible for determining with their communities, the vision and direction for their institutions.
3. Despite a recent marginal rise in birth rates, Herefordshire continues to experience falling school rolls as larger cohorts of pupils leave at ages 16 and 19 than enter reception. A significant consequence of this is that Herefordshire's overall funding for schools and early years' provision is reduced, both for Local Authority maintained schools and academies and all types of early years' providers.
4. Other than for Reception Year, Herefordshire's early years' provision is predominantly supplied by the private, voluntary and independent sector, with a small proportion being provided through 13 maintained nursery classes at schools.
5. Successive governments have introduced legislation to give greater autonomy to schools and to make it easier for popular and successful schools to expand. The current Government is introducing further legislation aimed at making such expansion easier for schools. The effect of this for schools in Herefordshire at a time of falling numbers of children in schools is that surplus capacity at other schools, and possibly vulnerable schools in terms of pupil numbers, is increased.
6. The draft guiding principles reflect the broad views expressed in partnership discussions between the Local Authority, the Herefordshire learning community, including the Strategic Planning Group, and the wider community of Herefordshire including the views of children and young people, local business and commerce.
7. For Herefordshire, there are some really exciting possibilities with the potential freedoms within the national curriculum and through academy freedoms. One such example is the opportunity that will be afforded by Herefordshire's high speed broadband development. Herefordshire is well placed to create a cutting edge ICT curriculum which focuses much more on teaching our children and young people how to make ICT work for them in their learning and through to adult life and economic wellbeing. Children and young people live in a global society and need the skills and understanding to function in this context.
8. The children and young people of Herefordshire need vibrant and effective early years' providers, schools, colleges and training providers to help them become successful adults.
9. Residents and businesses in Herefordshire need young people with the social skills, curiosity, ambition, competitiveness, ability to learn, and the right knowledge to help Herefordshire be a good place to live, work and invest.
10. The main purpose of the guiding principles is to provide challenge and stimulate a number of questions in terms of what they mean in practice for the Herefordshire learning community

and individual institutions. It is this thinking process which will help all partners to focus on what the guiding principles mean in terms of their respective roles, responsibilities, contributions and the actions they will deliver in educating and developing the children and young people of Herefordshire now and into the future.

11. To be an effective education system, partners need to be able to sign up to guiding principles for Herefordshire; understand what they mean in terms of their personal contribution; and commit to undertaking their role, responsibilities and actions to fulfil those principles.
12. Herefordshire has successfully delivered high quality education across a range of indicators over a number of years. The performance of young people by the age of 16 and those in full time education up to 19 has been strong in Herefordshire's schools and colleges, particularly in relation to level 2 (GCSE, vocational and applied learning programmes) and level 3 (A level and vocational and applied learning programmes). Performance has consistently been in or close to the upper quartile nationally on key A level measures with the largest provider of education in the county for 16-18 learners, Herefordshire Sixth Form College, having a 99.4% A level (or equivalent) pass rate and two of the four maintained school sixth forms achieving a 100% pass rate. Herefordshire's GCSE pass rates at Key Stage 4 are now just below the national average, with variation in the performance of High Schools. Although the performance of boys improved in 2011, and the gap between boys and girls achievement narrowed, there remains the need to raise boys' performance in some schools where the difference is too great.
13. The performance of children by the end of the early years foundation stage and across primary schools has not been as strong and as a result the Herefordshire Public Services Vision and Corporate Delivery Plan has set the raising of educational achievement and outcomes of children in early years settings and primary schools as a key corporate priority.
14. There were significant improvements in performance measures in 2011 in both early years and primary outcomes. The proportion of children reaching nationally expected levels of development by the end of the Early Years Foundation Stage improved from 44.6% in 2010 to 56% in 2011. This is one of the biggest improvements in the country and moves early years performance from one of the worst nationally in 2010 to the 50<sup>th</sup> percentile in 2011. There is still much to be done to build on this strong improvement and move performance into the upper quartile.
15. In primary schools the overall achievement of children by the ages of 7 and 11 also improved in 2011. The proportion of children reaching expected levels of attainment (level 2c+) in reading, writing and mathematics by the age of 7 improved and we are now above the national average for reading and writing. At the age of 11, we have also seen improvement in the proportion of children attaining expected levels of attainment (level 4+) in English and in mathematics and in English and mathematics combined. Overall 80.9% of children reached the expected level in English and 78.6% in mathematics and the proportion attaining level 4 in both increased from 71.4% in 2010 to 72.5% in 2011. Although still below the national average, these figures indicate an upward trend which, if continued, will move Herefordshire primary schools into the upper quartile of performance nationally within the medium term.
16. Governing bodies and management boards etc. will play the lead role in determining, with their communities, the vision and direction for their institution. The Local Authority, as part of Herefordshire's learning community, will use the principles to deliver its statutory duties. These include the commissioning of school places and school organisation. In this regard the Local Authority will work firstly in a facilitative way with individual or groups of schools to address long term issues of surplus places and falling roles. Where the principles of Herefordshire's learning community are not going to be achieved, the Local Authority will then take a more formal role in coordinating and leading reviews of local provision. This will include

consideration of alternative modes of delivery such as academy status and may, through due process, lead to some closures.



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>10 MAY 2012</b>
<b>TITLE OF REPORT:</b>	<b>ESTABLISHMENT OF A POLICE AND CRIME PANEL</b>
<b>PORTFOLIO AREA:</b>	<b>HIGHWAYS, TRANSPORTATION &amp; SUSTAINABILITY</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To recommend the establishment of a Police and Crime Panel (PCP) to Council.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT:**

- (a) **Cabinet recommends to Council on 25 May 2012 the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia police force area, to be administered by Worcestershire County Council as lead authority;**
- (b) **notes that the Council on 25 May 2012 will be requested to approve the proposed membership of the PCP, the Panel arrangements and any consequential actions required under the Act; and**
- (c) **authorises the Deputy Chief Executive to finalise the details of the proposals in consultation with the Leader.**

### **Key Points Summary**

- A Police and Crime Panel (PCP) has by law to be established for the West Mercia police force area. The PCP will be set up to support, challenge and monitor the effectiveness of the Police and Crime Commissioner.
- The PCP will be a joint committee composed of at least 1 Councillor from each local authority area in West Mercia and two co-opted lay independent members. Composition of the PCP will

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Further information on the subject of this report is available from  
Tim Brown, Democratic Services on (01432) 260239

need to take account of political and geographical proportionality (the 'balanced appointment objective').

- The minimum number of members for a PCP is 10 councillors (1 from each authority) and 2 co-opted lay independent members, and up to a maximum of 20 members through co-option to achieve the balanced appointment objective. In order to ensure that objective, it has been proposed that in addition to the 1 member from each of the 10 authorities in the West Mercia force area, 5 further councillors be co-opted to the PCP from the three non-Worcestershire authorities in the area (3 Shropshire, 1 Telford and Wrekin and 1 Herefordshire). Each local authority will need to agree this proposed composition and, as additional co-options are being sought, further approval will be required from the Home Secretary.
- The intention is that the PCP will operate in shadow form from Summer 2012 in advance of the election of the PCC in November 2012, at which point the Panel will receive its statutory functions.
- Agreement from all the 10 local authorities to the Panel arrangements (including composition) is required to establish the PCP in shadow form in time for the Home Office deadline of 1 July 2012. Should there be a failure to reach an agreement, the Secretary of State could invoke backstop powers to allow the Home Office to step in and appoint the PCP.

## **Alternative Options**

- 1 Cabinet could put forward alternative proposals. However, this would require further negotiations to take place with the other authorities in the West Mercia police force area. Should there be a failure to reach an agreement, the Secretary of State could invoke backstop powers to allow the Home Office to step in and appoint the PCP.

## **Reasons for Recommendations**

- 2 A Police and Crime Panel has by law to be established for the West Mercia police force area.

## **Introduction and Background**

- 3 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability. These changes include the election of a Police and Crime Commissioner (PCCs) from November 2012 and the placing of a statutory duty on local authorities (including District Councils) in each police force area to establish and maintain a PCP as a formally constituted joint committee of the local authorities in that area.
- 4 The PCP will be set up to support, challenge and monitor the effectiveness of the PCC. It will have powers to scrutinise decisions of the PCC and make recommendations in respect of the PCC's functions. The Panel will also have powers to veto the police precept and review certain senior appointments. The draft proposed terms of reference are attached as an Appendix.
- 5 The PCP will be a joint committee composed of at least 1 Councillor from each local authority area in West Mercia and two co-opted lay independent members. Composition of the PCP will need to take account of political and geographical proportionality (the 'balanced appointment objective') as well as have the necessary skills and experience required to fulfil the role.



## Key Considerations

- 6 The minimum number of members for a PCP is 10 councillors (1 from each authority) and 2 co-opted lay independent members, and up to a maximum of 20 members through co-option to achieve the balanced appointment objective. In order to ensure that objective, it has been proposed that in addition to the 1 member from each of the 10 authorities in the West Mercia force area, 5 further councillors be co-opted to the PCP from the three non-Worcestershire authorities in the area (3 Shropshire, 1 Telford and Wrekin and 1 Herefordshire). Each local authority will need to agree this proposed composition and, as additional co-options are being sought, further approval will be required from the Home Secretary. These proposals are still under discussion with the other authorities.
- 7 Worcestershire County Council has agreed that it will take responsibility for the establishment, setting up and operation of the PCP on behalf of the West Mercia Local Authorities.
- 8 Although further regulations and guidance are still awaited from the Home Office, Worcestershire County Council's Director of Adult and Community Services and the Head of Legal and Democratic Services and their staff are actively developing procedures and operating protocols for the future PCP. This includes consideration of training and induction requirements for Panel members and establishing a timeline and framework for the nomination of Panel members. The intention is that the PCP will operate in shadow form from Summer 2012 in advance of the election of the PCC in November 2012, at which point the Panel will receive its statutory functions.
- 9 Agreement from all the 10 local authorities to the Panel arrangements (including composition) is required to establish the PCP in shadow form in time for the Home Office deadline of 1 July 2012. Should there be a failure to reach an agreement, the Secretary of State could invoke backstop powers to allow the Home Office to step in and appoint the PCP. The clear intention is for the local authorities themselves to agree the arrangements for the PCP, and further discussion will be needed to get to a consensus position. Arrangements are in place with the 10 local authorities in the West Mercia force to ensure that the establishment of the PCP is considered by the full Council of each local authority in advance of the 1 July 2012 deadline.

## Community Impact

- 10 The establishment of the Panel in itself has no community impact. Future decisions by the Panel may have a community impact.

## Equality and Human Rights

- 11 Under Section 149, the "General Duty" on public authorities is set out thus:

"A public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

12 In establishing the Panel where possible (and practical) efforts should therefore be made to ensure that the Panel represents the community that it serves. Consideration will need to be given to this in finalising the Panel's composition.

## **Financial Implications**

13 The Home Office has allocated £53,000 per annum for support and running costs of the Police and Crime Panel. Additional funding is also being made available to cover the necessary expenses of all Panel members (£920 for up to 20 Panel members). The grant allocated for 2012/13 will be pro rata for October 2012 – March 2013. It is anticipated that funding from the Home Office will continue at least during the remainder of this financial review period.

14 As set out in section 4 of the draft terms of reference, the annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the upper-tier Authorities on the basis of population, and further also on the basis of the Worcestershire County Council and the respective District Council for a Worcestershire District Area sharing equally the cost pro-rata to the population of that Area. Other than in the first year of operation, a draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities in advance of 1 April. The Panel must then operate within the approved budget.

## **Legal Implications**

15 The Police Reform and Social Responsibility Act 2011 places a statutory duty on local authorities (including District Councils) in each police force area to establish and maintain a PCP as a formally constituted joint committee of the local authorities in that area. The proposals in the report comply with that duty.

## **Risk Management**

16 The Council is required by law to establish a Panel and by doing so mitigates any risk.

## **Consultees**

17 Worcestershire County Council has consulted Councils within the West Mercia police force area: Herefordshire Council, Shropshire Council, Telford and Wrekin Council and District Councils within Worcestershire.

## **Appendices**

18 Draft proposed Terms of Reference.

## **Background Papers**

Police Reform and Social Responsibility Act 2011

Police and Crime Panels – Guidance on Role and Composition (Local Government Association 2011)

## **WEST MERCIA POLICE AND CRIME PANEL AGREEMENT**

This Agreement is dated the        day of        2012.

The Agreement is made between the following:

Worcestershire County Council  
Shropshire Council  
Telford and Wrekin Council  
Herefordshire Council  
Bromsgrove District Council  
Malvern Hills District Council  
Redditch Borough Council  
Worcester City Council  
Wychavon District Council  
Wyre Forest District Council

In the Agreement the above Authorities are referred to together as ‘the Authorities’.

### **1.0 Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduces new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (‘PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).
- 1.4 West Mercia is a multi-authority police force area (‘the police force area’). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working), and limit or prevent the overlapping or conflicting exercise of functions.
- 1.8 The Panel has responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.9 The Panel is a statutory joint committee of the Authorities.
- 1.10 The Authorities agree the Panel Arrangements as set out in the Appendix.
- 1.11 These arrangements may be varied from time to time by the Authorities acting together.

INSERT SIGNATURE/EXECUTION CLAUSE

## PANEL ARRANGEMENTS

### 2.0 Functions of the Police and Crime Panel

- 2.1 The functions of the Panel are set out in the Terms of Reference attached as an Annex.
- 2.2 The Panel may not exercise any functions other than those conferred by the Act.
- 2.3 The Panel may appoint Committees or Sub Committees as it considers appropriate but the functions of the Panel set out at paragraphs 2.4-2.9 below may not be discharged by a Committee or Sub-Committee of the Panel.
- 2.4 The Panel is a statutory consultee on the development of the Police and Crime Commissioner's (PCC's) Police and Crime Plan and must:
- a) review the draft Police and Crime Plan (or a variation to it), and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 2.5 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act
  - b) ask the PCC at that meeting such questions about the Annual Report as the members of the Panel think appropriate
  - c) review the Annual Report, and
  - d) make a report or recommendations on the Annual Report to the PCC.
- 2.6 The Panel:
- a) must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act
  - b) must report to the PCC on the proposed precept (which may include reasons), and
  - c) may exercise its right of veto in respect of the precept in accordance with the Act and Regulations made under it .
- 2.7 Within three weeks of receipt of notification of the proposed appointment by the PCC of a Chief Constable, the Panel:
- a) must undertake a review of the proposed appointment in accordance with the requirements set out in Schedule 8 of the Act
  - b) must hold a public confirmation meeting
  - c) must make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC.
  - d) may exercise its right of veto in respect of the appointment in accordance with the Act and Regulations made under it.

- 2.8 The right of veto in paragraphs 2.6 and 2.7 requires that at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of that veto.
- 2.9 Within three weeks of receipt of the notification of the proposed appointment by the PCC of a Chief Executive, Chief Finance Officer and/or the Deputy PCC, the Panel:
- a) must undertake a review of the appointment by the PCC in accordance with the requirements set out in Schedule 1 of the Act
  - b) must hold a public confirmation meeting
  - c) must make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy PCC.
- 2.10 The following functions may be delegated to a Committee or Sub-Committee of the Panel:
- 2.11 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign. In the case of the latter the Panel must hold a private scrutiny hearing and must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act. The Panel's recommendation must be given within six weeks of receipt of such notification and published.
- 2.12 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
- 2.13 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel determines and must also send copies to the Authorities.
- 2.14 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions the Panel considers necessary for it to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PCC by his/her staff
  - b) in the view of the PCC
    - i) be against the interests of national safety
    - ii) jeopardise the safety of any person
    - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
  - c) be prohibited by any other enactment.
- 2.15 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion

to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

- 2.16 The Panel may require the PCC to respond in writing with a reasonable period set by the Panel to a report or recommendation from the Panel to the PCC.
- 2.17 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.18 The Panel will have any other powers and duties set out in the Act or other legislation or Regulations made under the Act.

### **3.0 Membership**

#### General

- 3.1 The Panel is a joint committee of the Authorities. Subject to paragraph 3.8 the Panel will consist of a total of 15 elected members nominated by the Authorities as set out below (10 substantive and 5 co-opted) plus 2 lay independent co-opted members.
- 3.2 Membership of the Panel will consist of elected members appointed as follows:
  - Worcestershire County Council (1 substantive member)
  - Shropshire Council (4 members) {1 substantive and 3 co-opted members}
  - Telford and Wrekin Council (2 members) {1 substantive and 1 co-opted member}
  - Herefordshire Council (2 members) {1 substantive and 1 co-opted member}
  - Bromsgrove District Council (1 substantive member)
  - Malvern Hills District Council (1 substantive member)
  - Redditch Borough Council (1 substantive member)
  - Worcester City Council (1 substantive member)
  - Wychavon District Council (1 substantive member)
  - Wyre Forest District Council (1 substantive member).
- 3.3 Appointments of elected substantive members and nominations to the Panel of co-opted members shall be made by each of the Authorities in accordance with their own procedures but which must ensure that the 'balanced appointment objective' is met so far as is reasonably practicable. Substantive members will be directly appointed by each of the Authorities and co-opted members will be nominated by Authorities (as outlined in paragraph 3.2) for co-option by the Panel.
- 3.4 The Lead Authority shall take steps to co-ordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority members of the Panel (which includes members appointed by the Authorities and co-opted members who are elected members of any of the Authorities) when taken together should:
  - a) represent all parts of the police force area
  - b) represent the political make-up of the Authorities (when taken together),and

- c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.5 The Panel must, in co-opting elected members, secure that as far as reasonably practicable, the balanced appointment objective is met.
- 3.6 The Panel shall also include 2 lay independent members co-opted by the Panel.
- 3.7 In appointing lay independent co-opted members (who are not elected members of any of the Authorities) the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted members of the Panel, when taken together, have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.8 The Panel will keep under review the number of co-opted members and whether a variation in their numbers would assist in meeting the balanced appointment objective. The Panel may also resolve to co-opt further or fewer members with the agreement of the Secretary of State provided that the number of co-opted members included in the membership of the Panel shall not exceed 20.

#### Appointed Substantive Members

- 3.9 The Authorities shall each nominate the appropriate number of elected members to be a member of the Panel (see 3.2 above). If a nominated member agrees to the appointment the Authority may appoint the member as a member of the Panel.
- 3.10 In the event that an Authority does not appoint a member or members in accordance with these requirements, the Secretary of State must appoint a member to the Panel from the defaulting authority in accordance with the provisions in the Act.
- 3.11 Each authority may remove or change their appointed member from time to time but with a view to ensuring continuity of membership as far as possible it is anticipated that an appointed member would be a member of the Panel for a term of four years unless s/he ceases to be an elected member, or is removed by their Authority, at which point Panel memberships ceases.
- 3.12 An Authority may decide in accordance with their procedures to remove their appointed member from the Panel at any point and on doing so shall give written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.13 An appointed member may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council on behalf of the Panel.
- 3.14 In the event that any appointed member resigns from the Panel, or is removed from the Panel by an Authority, the relevant Authority shall immediately take steps to nominate and appoint an alternative member to the Panel and provide written



notification to the Head of Legal and Democratic Services, Worcestershire County Council.

- 3.15 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

### Co-opted Members

- 3.16 The Panel will co-opt 5 elected members and 2 lay independent members.
- 3.17 The following may not be co-opted members of the Panel:
- a) the PCC for the Police Area
  - b) a member of staff of the Police and Crime Commissioner for the area
  - c) a member of the civilian staff of the Police Force for the area
  - d) a Member of Parliament
  - e) a Member of the National Assembly for Wales
  - f) a Member of the Scottish Parliament
  - g) a Member of the European Parliament.
- 3.18 An Authority may decide in accordance with their procedures to rescind their nomination of a co-opted member at which point the co-option by the Panel will be deemed to have been terminated.
- 3.19 At least 2 lay independent co-opted members must be appointed and these may not be members of any principal authorities.
- 3.20 A lay independent co-opted member shall be an appointed member of the Panel for four years but may resign or be removed by the Panel as set out in 3.25 below.
- 3.21 The Panel shall put in place arrangements to ensure that appointments of lay independent co-opted members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel
  - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria, and
  - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
- 3.22 A lay independent co-opted member must not be an elected member or officer of a principal local authority (or has been so in the preceding five years).

- 3.23 A co-opted member of the Panel may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted members of the Panel to enable the balanced appointment objective to be met, so far as is reasonably practicable.
- 3.25 The Panel may decide to terminate the appointment of a co-opted member of the Panel if the majority of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted member. The Panel will consider termination in any appropriate circumstances but in particular:
- a) if the co-opted member has been absent from the panel for more than six months without the consent of the Panel
  - b) if the co-opted member has been convicted of a criminal offence but not automatically disqualified
  - c) if the co-opted member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted member of the Panel; or
  - d) (for elected member co-optees only) if the co-opted member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 3.26 In the event that a lay independent co-opted member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two lay independent co-opted members remain appointed to the Panel.
- 3.27 Lay independent co-opted members appointed to the Panel may be re-appointed for a further term of four years subject to the requirements under paragraph 3.21.

#### **4.0 Budget and Costs of the Panel**

- 4.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the upper-tier Authorities on the basis of population, and further also on the basis of the Worcestershire County Council and the respective District Council for a Worcestershire District Area sharing equally the cost pro-rata to the population of that Area.
- 4.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.
- 4.3 Other than in the first year of operation, a draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities in advance of 1 April. The Panel must then operate within the approved budget.

#### **5.0 Lead Authority**

5.1 Worcestershire County Council shall be the lead authority for the Panel and shall provide such administrative support through its Head of Legal and Democratic Services and other professional support through the Adult and Community Services Directorate as will be necessary to enable the Panel to undertake its functions which will be funded by Home Office grant.

## **6.0 Rules of Procedure**

6.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment, resignation and removal of the Panel Chairman
- b) the formation of sub-committees
- c) the making of decisions
- d) the arrangements for convening meetings
- e) the circulation of information.

## **7.0 Allowances**

7.1 All members of the Panel may reclaim travel and other appropriate out of pocket expenses incurred in the undertaking of approved duties relating to their role on the Panel in accordance with the rates adopted from time to time by Worcestershire County Council, up to a maximum cumulative value of £920 per annum. No allowances are payable for being a member of the Panel or chairing it.

7.2 Claims will be administered by Worcestershire County Council and will be paid subject to receipt within three months of the date of the duty.

## **8.0 Promotion of the Panel**

8.1 The Panel arrangements shall be promoted by:

- a) The establishment and maintenance of a dedicated webpage including information about the role and work of the Panel, Panel membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications, and
- b) The issuing of regular press releases about the Panel and its work, and
- c) The Authorities will each include information about the Panel on their websites, which will also include a link to the Panel webpages.

8.2 Support and guidance shall be provided to members and officers of the Authorities in relation to the functions of the Panel by the provision of briefings as appropriate.

## **9.0 Validity of Proceedings**

- 9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the membership of the Panel or a defect in appointment.
- 9.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act. In the event of any conflict between the Act or Regulations and these arrangements, the requirements of the legislation will prevail.

V.0.5 CSC/SPM Final

**WEST MERCIA POLICE AND CRIME PANEL  
TERMS OF REFERENCE**

- 1) To support the effective exercise of the functions of the Police and Crime Commissioner (PCC) and exercise its functions with a view to such support.
- 2) To review and make a report or recommendations to the PCC on the draft police and crime plan, or draft variation, given to the Panel by the PCC.
- 3) To review and make a report or recommendation to the PCC on the annual report.
- 4) To review and hold a public confirmation hearing in respect of, a 'proposed senior appointment' as defined in the Police Reform and Social Responsibility Act 2011 and report to the PCC with a recommendation as to whether or not the candidate should be appointed.
- 5) To review and hold a public confirmation hearing in respect of, the proposed appointment of the Chief Constable and report to the PCC with a recommendation as to whether or not the candidate should be appointed or exercise the Panel's right to veto the appointment.
- 6) To hold a scrutiny meeting in private in respect of a proposal by the PCC to call upon the Chief Constable to retire or resign and make a recommendation to the PCC in respect of the proposal.
- 7) To review and make a report (which may include recommendations) on the PCC's proposed precept or exercise the Panel's right to veto the proposed precept.
- 8) To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 9) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
- 10) To fulfil any further function in relation to complaints about conduct matters, in accordance with any responsibilities accorded to the Panel by or under the Police Reform and Social Responsibility Act 2011.
- 11) To appoint an Acting PCC if necessary.
- 12) To consider suspending the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, Channel Islands or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 13) To fulfil any other function of the Police and Crime Panel as provided by the Police Reform and Social Responsibility Act 2011 or associated primary or secondary legislation.

