

MEETING:	COUNCIL
DATE:	25 MAY 2012
TITLE OF REPORT:	ESTABLISHMENT OF A POLICE AND CRIME PANEL
REPORT BY:	ASSISTANT DIRECTOR, LAW GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To approve the establishment of a Police and Crime Panel (PCP).

Recommendation(s)

THAT:

- (a) Council approves 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) Council approves the proposed membership of the PCP, the Panel arrangements and any consequential actions required under the Act; and**
- (c) Council 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 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.
- Cabinet considered the proposals on 10 May and recommends the establishment of the Panel on the basis of the appended Panel Agreement, Panel Arrangements and Terms of Reference.

Alternative Options

- 1 Council 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 Panel Agreement, Panel Arrangements and 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 being formally considered by the authorities involved.

- 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.
- 10 Cabinet considered the proposals on 10 May and recommends the establishment of the Panel on the basis of the appended Panel Agreement, Panel Arrangements and Terms of Reference. This Council's appointments to the Panel would be made in consultation with Group Leaders following confirmation from Worcestershire County Council of the final arrangements.

Community Impact

- 11 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

- 12 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."

13 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

14 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.

15 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

16 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

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

Consultees

18 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

19 Draft Panel Agreement, Panel Arrangements and 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)