

BABERGH DISTRICT COUNCIL

From: Head of Democratic Services Suffolk County Council	Report Number: M12
To: Council	Date of meeting: 24 April 2012

ESTABLISHMENT OF A JOINT SUFFOLK POLICE AND CRIME PANEL

1. Purpose of report

- 1.1 The purpose of the report is to explain the background to the statutory duty of Suffolk local authorities to establish a Police and Crime Panel for Suffolk and to propose how this should be established and supported.
- 1.2 The Home Office has encouraged local determination of arrangements to implement the requirements of the Act, but there is an expectation that arrangements will be transparent and justifiable. In Suffolk there has been good inter authority discussion and collaboration among officers and Suffolk council leaders to jointly develop the proposals referred to in this report.

2. Recommendations

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

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

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

3. Key Information

Reason for Recommendations

1. The Police Reform and Social Responsibility Act 2011 (referred afterward as the Act) prescribes the establishment of a Police Crime Panel (the Panel), for the Suffolk policing area, as a Joint Committee of all of the Suffolk local authorities, to both support and constructively challenge the elected Police Crime Commissioner.
2. The Act requires that there is balance of membership on the Panel and prescribes a minimum of 10 councillors. Suffolk County Council, by having four representatives, can ensure that balance is achieved.
3. The Home Office requires local authorities to agree which local authority will 'host' the Panel. Suffolk Local authority leaders have agreed that Suffolk County Council will undertake this role on behalf of all Suffolk councils and will work closely with the other 7 authorities. As the host authority, Suffolk County Council will work with the Chief Executive of the Police Authority as transitional arrangements are put in place and following the election of the Police and Crime Commissioner.

Alternative Options

4. The establishment of a Police and Crime Panel for Suffolk is a statutory requirement and there are regulations about its role, responsibilities, powers and membership.
5. If Suffolk local authorities do not agree an approach, the Home Secretary has the power to impose arrangements on them.

Who will be affected by this decision?

6. All local authorities in Suffolk, the elected Police and Crime Commissioner (PCC), the Police and Crime Commissioner's officers and individuals nominated to serve as councillors or as co-opted members on the Panel.

Main Body of Report

7. The Police Reform and Social Responsibility Act 2011 received Royal Assent on Thursday, 15 September 2011. It introduced directly elected PCCs to replace Police Authorities from November 2012 and requires local authorities to:
 - (a) establish and maintain a police and crime panel for the police area, and
 - (b) make the panel arrangements for the police and crime panel.
8. In November 2012 the public will elect the first PCCs. They will, for the first time, give the public a direct say in the policing of their area. PCCs will set the policing priorities for their force area, commission services needed to reduce crime and improve community safety, and set the police precept. Strong local partnership working will ensure that the best outcomes are delivered for communities.
9. The Act requires the local authorities in each police force area to establish a Police and Crime Panel, as a joint committee, to scrutinise the directly elected PCC.

The Home Office considers that:

“Panels are not a replacement for the Police Authority. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected police and crime commissioner not through the police and crime panel. The panel will have an important scrutiny role in relation to the commissioner, however it is the commissioner who is taking on the role of the police authority and who the public will hold to account for the performance of their force.”

10. The Act specifies that police and crime panels must be balanced in terms of geography, politics, and the skills, knowledge and experience of panel members. Clarification on the specific legal position, and what this means for local partners in making their decisions on panel membership is set out below.
11. Ministers have been clear that the best panel arrangements will be those which are locally determined. In many cases achieving balance will be challenging, especially where perceived inequalities cannot be redressed through additional co-option of elected members. In recognition of this, the Act specifically states that the balanced appointment objective must be secured “as far as is practicable”. However, local authorities will need a robust rationale for their final membership and be able to justify their decision to the public and their peers.
 - (a) Geographical balance - “represent all parts of the relevant police area” - Councillor membership of the panel should reflect the geography and population size of the force area. In the first instance, the legislation seeks to achieve this by having every local authority in the area represented on the panel.
 - (b) Political balance - “represent the political make-up of the relevant local authorities (when taken together)” - Councillor membership of the panel, when taken together, should reflect the political balance of the force area. Local authorities could look to achieve this, in the first instance, by considering the proportion of councillors from each political party across the force area. This approach is the closest to the spirit of the legislation and reflects the approach taken to police authority membership.
 - (c) Skills, knowledge and experience - all appointments to the panel, of both councillors and independents, should be made in the context of ensuring that the panel has the necessary skills, knowledge and experience to discharge its functions.
12. The Local Government Association is developing an advice note for local authorities which explores, in greater detail, the options available in making decisions on panel membership and balance. Indications are that the approach described below will be in line with this advice.

The Role of the Police and Crime Panel (the Panel)

13. The main role of the Panel will be one of scrutiny and challenge as well as to support the PCC and be a “critical friend”.
14. The Panel provides checks and balances in relation to the performance of the PCC. In doing so it may challenge the PCC but it must also exercise its functions with a view to supporting the effective exercise of the PCC’s functions. This includes two important powers of veto by a two thirds majority of the total panel membership over:

- (a) The level of the PCC's proposed precept and
 - (b) The proposed appointment of a Chief Constable
15. The Panel's powers include:
- a) Reviewing the proposed precept and make a report to the commissioner which may include recommendations, including recommendations as to the precept that should be issued for the financial year.
 - b) Requiring the PCC and members of the commissioner's staff to attend the Panel to answer questions at a panel meeting.
 - c) Asking Her Majesty's Inspector of Constabulary for a professional view when the PCC intends to dismiss a Chief Constable
 - d) Reviewing the draft Police and Crime Plan, or draft variation, making recommendations at a panel meeting which the PCC must attend.
 - e) Reviewing the PCC's Annual Report and making reports and recommendations at a panel meeting which the PCC must attend.
 - f) Requiring relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations
 - g) Appointing an acting PCC where the elected PCC is incapacitated, resigns or is disqualified.
 - h) Having responsibility for complaints about a PCC, although serious complaints and conduct must be passed to the Independent Police Complaints Commission.
16. The Panel must also review proposed senior appointments by the PCC within three weeks of notification by the PCC of the proposed senior appointment. Senior appointments include the Commissioner's Chief Executive, the Commissioner's Chief Finance Officer and the Deputy Police Crime Commissioner.
17. Where the Panel makes reports and recommendations it shall include:
- (a) An explanation of the matter reviewed or scrutinised.
 - (b) A summary of the evidence considered.
 - (c) A list of the participants involved in the review or scrutiny.
 - (d) Any recommendations on the matter reviewed or scrutinised.
18. Copies of the reports and recommendations must be sent to each local authority in the Suffolk policing area.

Suffolk Approach to Establishing the Panel

19. When establishing the Panel there are some key principles which the leaders of Suffolk local authorities have agreed should underpin its operation:
- a) Keep associated bureaucracy to a minimum whilst ensuring the Panel is appropriately constituted and supported.
 - b) Use the Home Office minimum standards as the guide for establishing the Panel where practicable.
 - c) The Panel should review its terms of reference/membership toward the end of each PCC's term of office to ensure it remains effective.

- d) Panel members will need to be confident in their challenge, questioning and analysis skills as well as understanding key issues for police, crime and community safety in Suffolk. Training and development should be available to support the Panel members to do this.
- e) The Panel will have the dual roles of robust challenge and critical friend for the PCC.
- f) The Panel should establish constructive links to the PCC, Community Safety Partnerships and other relevant parts of the 'Suffolk system' including the Police Authority, during the transition to Police and Crime Commissioner.
- g) The Panel should be representative of Suffolk communities and this may guide the recruitment and choice of co-optees.
- h) The elected members of the Panel should be politically representative of Suffolk's local authorities (this is a requirement of the legislation)
- i) The costs of the panel should not exceed the allowance from the Home Office (approx £53k for a full year and up to £920 for expenses for each panel member).

Membership of the Panel

- 20. The Panel in Suffolk must have 10 councillors and 2 independent co-optees. The Panel may resolve to have a higher number of members, whether councillors or independent members, up to a maximum of 20, but only with the agreement of the Secretary of State.
- 21. The Panel's primary role is as a scrutiny function to hold the PCC to account, not the police force, and the appointments to the panel should be made on the basis that his or her other responsibilities within that local authority, or for it, do not make it inappropriate to carry out that scrutiny role.
- 22. Every effort should be made to ensure nominated members attend scheduled meetings of the Panel, however, in the event of a member not being able to attend; a named substitute may participate fully, including voting on decisions.
- 23. The following are excluded, by law, from membership of the Panel:
 - (a) the Police Crime Commissioner
 - (b) Staff of the Police Crime Commissioner of Suffolk
 - (c) Civilian staff of Suffolk Police
 - (d) Members of Parliament and Members of European Parliament
- 24. Each local authority is required to nominate one member to the Panel, but legislation allows for the panel arrangements to include provision for a particular local authority to have power to appoint one or more extra members of the panel where there are nine or fewer local authorities in the police area.
- 25. Political balance will be achieved on the basis of the elected councillors of all the authorities in Suffolk when taken together as at 7 March 2012 and reviewed annually following the May elections. This calculation will be based on each councillor's declared political affiliation.

26. A chart showing councillor representation based on each councillor's declared political affiliation at 7 March 2012 for Suffolk local authorities is given at the table at [Appendix 1](#).
 27. Having considered the need to produce a balanced panel, Suffolk leaders propose that the Suffolk panel should operate with eleven councillors and will need the approval as referred to in paragraph 27 above. This number provides for one councillor each from Babergh District Council, Forest Heath District Council, Ipswich Borough Council, Mid Suffolk District Council, St Edmundsbury Borough Council, Suffolk Coastal District Council, and Waveney District Council and Suffolk County Council would be able to nominate four councillors to assist with achieving the balanced panel requirement.
 28. The panel arrangements must make provision about the co-option of, and holding of office by, the co-opted members of the Panel.
 29. Subject to the approval of the Panel and the agreement of the Secretary of State, it is proposed that the Suffolk panel operates with three co-opted members. This includes two co-opted members who are independent of local councils and one who will be nominated by Suffolk County Council in order to meet the 'balanced appointment objective'.
 30. The two independent co-opted members will be identified through advert and a competitive recruitment and selection process. The recruitment process will consider;
 - (a) Skills and experience in spheres relevant to police and crime
 - (b) Experience which complements the knowledge and experience of the political membership of the panel.
 - (c) Experience of resource utilisation across a range of policy and service/business objectives and performance targets.
 - (d) Knowledge of voluntary and community sector.
 31. The nomination for appointment of the two independent co-optees will be made jointly by the monitoring officer of Suffolk County Council and another officer of a different authority, an elected member from a district or borough council and an elected member from the County Council. These places will then need to be confirmed by the panel at its first meeting.
 32. For each nominated councillor member, each authority shall also appoint a named substitute of the same political affiliation. The councillor's term of office must not extend beyond their term of office with the appointing authority.
- Who should represent the authority on the panel?**
33. It is important to reflect that the role of the panel is primarily that of scrutiny and it should be capable of holding the PCC to account for decisions that impact across the whole of Suffolk.
 34. There is no central prescription as to who should sit on the Panel; therefore, each local authority will need to take a view as to who their representatives should be.
 35. For Suffolk it is proposed that the local authority representatives should be made on the basis that his or her responsibilities within their local authority, or for it, do not make it inappropriate to do so. Examples of where this may be the case includes:

- (a) Where a member of the Panel which is scrutinising the decisions of the PCC also sits on the Community Safety Partnership, which the PCC can hold to account for poor performance.
 - (b) The proposed appointment of the Chief Constable or senior officers of the PCC.
 - (c) Local authority executive members will have a stake in the delivery of the Police and Crime Plan that could be perceived to make it impossible for them to carry out truly independent scrutiny because of the requirement for the PCC to have regard to the priorities of, and to co-operate with, other public sector bodies in the area.
36. Those on the panel will need to have, or gain, knowledge of police budgets and precepts; knowledge of crime issues in Suffolk as a whole and how that is changing; what the evidence says about the best ways of reducing crime; experience of scrutiny processes; details of partnership working; an awareness of the broad spectrum of crimes that exist which are not necessarily at the forefront of the public's mind such as honour based violence and human trafficking; access to advice on the employment law for implications of conducting confirmation hearings, and some knowledge of the complaints regulations.
37. The role that the panel member needs to fulfil can be summarised as follows:
- (a) Reviewing and scrutinising the performance of the Suffolk PCC, providing both support and challenge.
 - (b) Focusing on key strategic actions and decisions taken by the PCC including whether they have achieved the objectives set out in their Police and Crime Plan and considered the priorities for community safety partners and consulted appropriately with the public.
 - (c) Making evidence based recommendations to the PCC about the Police and Crime Plan, the level of the precept and the appointment of the Chief Constable.
 - (d) Considering complaints against the PCC.
38. Key relationships include working with other members of the Panel and officers from the relevant councils. Other key relationships will be with members of the public, community groups, senior officers, business community and partner organisations including voluntary sector bodies.
39. Each local authority in Suffolk will confirm its nominations for membership of the Panel at their Annual meeting.

Panel Arrangements and Rules of Procedure

40. The Act 2011 details the need for the functions and procedural rules for the operation of the panel to be set out in 'panel arrangements' and 'rules of procedure'.
41. Each Suffolk local authority and each member of the Panel must comply with the arrangements established to comply with the Act.
42. Arrangements should cover all aspects of the Panel's operation including provision about the co-option of, and holding of office by, the co-opted members. They must also include provision about the term of office, resignation, removal and conditions for re-appointment of appointed members and co-opted members.

43. The panel arrangements may not make the rules of procedure which make provision as to how the panel will carry out its functions. The rules of procedure have to be determined by the Panel members when the Panel is formed. However, like other policing areas, Suffolk has developed some proposals for consideration by the Panel at its first meeting.
44. The Panel's rules of procedure must make provision about the appointment, resignation and removal of a person to chair the Panel and may make provision about the method of making decisions and the formation of sub-committees. The rules of procedure govern the conduct of the panel meetings and any sub-committees and must reflect relevant legislation.
45. As a joint local authority committee, the Panel will be bound by legislation about public accessibility to meetings. The Home Office may issue further Regulations setting out which existing provisions apply to panels in the Autumn which will need to be reflected in the Panel's rules of procedure.
46. Suffolk County Council will need to consider constitutional changes which establish the Panel as a joint Committee of all Suffolk authorities. These will be considered by the Council's Constitution Working Party who will make recommendations to the County Council.
47. All local authorities in Suffolk will need to make arrangements to nominate councillors to the Panel and collectively to ensure the political balance objective is met.

What are the key issues to consider?

48. Under the Act, Suffolk must establish a joint committee of Suffolk local authorities which has 10 councillors and two independent co-opted members. As the proposal is that the Suffolk Panel has membership over this number both the Panel and the Secretary of State must agree the arrangements.
49. There is a statutory duty to produce a 'balanced panel' and Suffolk must secure that (as far as is reasonably practicable) the balanced appointment objective is met.
50. The Home Office requires each police authority area to identify a 'host' authority which has the role of supporting the planning and delivery of the Panel's work programme, provision of accommodation and officer support. The Home Office view this as an administrative role to establish and maintain effective scrutiny arrangements, not a leadership role.
51. The Secretary of State will need to approve the panel arrangements for Suffolk by July 2012.
52. The Police and Crime Panel, when established, will need to agree the rules of procedure.

What are the resource and risk implications?

53. Suffolk local authorities have agreed a collaborative approach to the new arrangements, but none of the authorities have capacity within existing resources to dedicate specific resource. The Home Office has recognised this as an issue nationally and has undertaken to provide 'host' authorities with up to £53k of funding from October 2012. This is intended to fund suitable administrative support, professional advice and guidance for running a specialist, scrutiny function as well as associated development of panel members and recruitment and promotion of the work of the Panel. An additional allocation of £920 per Panel member per year will also be made available in the first year of operation.

54. The commitment to pay the funding is for more than a year, though the Home Office commitment is likely to be confined to the current spending review period and a review of the funding for panels in 2013/14.
55. In the event of Home Office funding being discontinued after 2013, Suffolk local authorities would need to determine how to resource the continuation of the statutory Panel.
56. As the host authority, Suffolk County Council will need to provide suitable ongoing officer support, but it is anticipated that this could be a part time appointment, supplemented with additional support from existing staff within the County Council and in collaboration with the other Suffolk local authorities.

What are the timescales associated with this decision?

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

Sources of Further Information

- a) The Police Reform and Social Responsibility Act 2011
<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>
- b) 'PCC BULLETIN No 6 – 5 MARCH 2012'
<http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/pcc-bulletin-6?view=Binary>
- c) Draft Protocol for Suffolk Police and Crime Panel as at 23 March 2012, available from the Head of Democratic Services, Suffolk County Council sue.morgan@suffolk.gov.uk or 01473 264512.

4. Appendices

Title	Location
Councillor representation by declared political affiliation for Suffolk local authorities as at 7 March 2012	Attached

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Appendix 1

Councillor representation by declared political affiliation for all Suffolk local authorities as at 7 March 2012

Total:	Conservative	Liberal Democrat	Labour	Green	Independent	UKIP	No political alignment	Suffolk Together	Vacancy
Suffolk CC									
75	54	11	4	2	2	1	0	0	1
Babergh DC									
43	18	12	3	0	9	0	1	0	0
Forest Heath DC									
27	24	2	1	0	0	0	0	0	0
Ipswich BC									
48	14	5	28	0	0	0	0	0	1
Mid Suffolk DC									
40	22	6	1	4	5	0	0	2	0
St Edmundsbury BC									
45	38	0	3	0	4	0	0	0	0
Suffolk Coastal DC									
55	44	5	4	0	2	0	0	0	0
Waveney DC									
48	23	0	23	1	1	0	0	0	0
Total for Suffolk									
381	237	41	67	7	23	1	1	2	2
as a %	62.20	10.76	17.58	1.84	6.04	0.26	0.26	0.52	0.52