

APPENDIX N

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 27 MARCH 2012

Title:

POLICE AND CRIME PANEL – ESTABLISHMENT OF A JOINT COMMITTEE

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

Summary and purpose:

Waverley has to agree formally to establish a joint committee with Surrey County Council and the other District and Borough Councils in Surrey to act as the Police & Crime Panel in Surrey (in accordance with the Police Reform and Social Responsibility Act 2011) and agree to nominate a representative to the Panel.

How this report relates to the Council's Corporate Priorities:

The new Panel will give improved opportunities for Waverley to act as a community champion for its residents on crime and disorder issues.

Equality and Diversity Implications:

The new body will act as a critical friend to the newly-elected Police and Crime Commissioner.

Environment and Climate Change Implications:

There are no implications.

Resource/Value for Money implications:

There may be some staffing and member travel implications in officer support for the Waverley representative, but these should be met from existing budgets.

Legal Implications:

The Police Reform and Social Responsibility Act 2011 sets up Police and Crime Panels across the county and Waverley as one of the Boroughs and Districts in Surrey is part of the new structure.

Introduction

1. Police and Crime Panels are being introduced in every Police force area to scrutinise the actions and decisions of the Police and Crime Commissioner.

Panels will support and challenge the Commissioners in the exercise of their functions, acting as a critical friend. The Panel will not replace police authorities and therefore will not have a role in scrutinising the performance of the force. This is the role of the Police and Crime Commissioner.

2. The Police & Crime Panel (the Panel) must be established before the first election of the Police & Crime Commissioner (PCC), due to take place on 15 November 2012. To allow time for the Panel to appoint co-opted members and sufficient training to be undertaken prior to the PCC taking office, Councils are being asked to establish the Panel in May 2012 and appoint members. The appointed members will then co-opt members in July 2012 on to the Panel so that all members are able to participate in an induction programme during September and October 2012 before holding its first formal meeting in late October.
3. The Panel must be established formally as a joint committee of all authorities in the police area and the duty to appoint the Panel falls on these local authorities. Each authority must therefore pass a formal resolution in order to establish the Panel.

Role of the Panel

4. The Panel provides a check and balance against the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of his/her statutory functions. The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC.
5. The Panel will be a scrutiny body and have powers to:
 - Require any papers in the PCC's possession (except those that are operationally sensitive)
 - Require the PCC (and their staff) to attend the Panel to answer questions;
 - Request the Chief Constable to attend to answer questions where the PCC has been required to appear before the Panel;
 - Make reports and recommendations on any action or decision of the Commissioner.
6. The Act also details the functions that the Panel will exercise as follows:
 - Review the draft police and crime plan, or draft variation, given to the panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
 - Review the PCC's annual report and make a report or recommendations on the report to the PCC.
 - Review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
 - Publish any report and recommendations made to the PCC.
 - Review certain senior appointments made by the PCC.
 - Review chief constable appointments, with the power to veto the appointment with a $\frac{2}{3}$ majority.
 - Review and report on the PCC's proposals to remove a chief constable.

- Review the PCC’s level of precept, with the power to veto the precept with a $\frac{2}{3}$ majority.
 - Suspend the PCC on their being charged with certain criminal offences.
 - Appoint an acting PCC if necessary.
 - Initial handling and informal resolution of complaints about the conduct of the PCC/Deputy PCC.
7. The Panel will not be able to exercise any functions other than those conferred by the Act.
 8. It is the duty of the local authorities in Surrey to agree the arrangements for the Panel (as set out in Annexe 1). The Panel will then be responsible for agreeing the rules of procedure, with appointed members reporting back to their respective authorities as appropriate.

The Composition of the Panel

9. As mentioned above, the Panel is a joint committee of all the authorities in the police area, made up of both appointed and co-opted members. In a police area with more than 10 authorities, appointed members will be equal in number to the number of local authorities in the area, with one from each authority. Therefore, in Surrey, this equates to 12 appointed members.
10. In addition, there must be at least two co-opted members of the Panel. With the agreement from the Secretary of State, the Panel may co-opt more than two members, but the total panel size must not exceed 20 members in total. If there are only two co-opted members of the Panel, they cannot be members of the local authorities. If there are more than two, then at least two of them must not be members of the local authority.
11. Finally, the panel must be “balanced.” This means:
 - a. Local authority members when taken together should:
 - i. represent all parts of the police area;
 - ii. represent the political make-up of all authorities when taken together;
 - iii. have the skills, knowledge and experience to discharge the functions of the panel.
 - b. When the Panel co-opts members, they must ensure the panel taken together has the relevant skills, knowledge and experience.
12. The police area for Surrey follows the same borders as the County boundary. With each local authority appointing one member to the Panel, all parts of the police area will be represented.
13. Until May 2012 elections, in Surrey, there are 574 councillors across the County, District and Borough Councils. Of these, 393 (68.5%) are Conservative, 86 (15%) Liberal Democrat, 60 (10.4%) Residents’ Association and 35 (6.1%) Other. Therefore, of the 12 elected members, it is proposed

that they include 9 Conservatives, 2 Liberal Democrats and 1 Residents' Association. In order to best represent the proportionality of the various individual councils across Surrey, it is suggested that the Residents' Association nomination be made by Epsom & Ewell and the two Liberal Democrat nominations are made from the councils with the largest groups when taken as a percentage of the individual council size (Woking and Mole Valley.) The proportionality will be reviewed following each local election and any resulting changes required to the political balance will be reported to all authorities to consider as appropriate.

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

Support to the Panel

19. The Act requires that arrangements be made for administrative support for the panel and for the role of the panel to be promoted. Guidance from the Home Office also recommends that one authority within the police area is agreed as the host authority, responsible for the day to day running of the Panel. The host authority will receive Home Office funding of £53,300 per annum to support this new responsibility although in 2012/13, this will be paid pro rata from October 2012.

20. The Surrey Leaders' Group agreed that Surrey County Council should act as the host authority and provide the necessary officer support using the government funding available.
21. For 2012/13, a policy officer has been appointed to lead on establishing the Police & Crime Panel and provide committee management support to the Panel's meetings. Initially, this is a fixed term post until July 2013.
22. Once the Panel has been fully established, its support needs will be reviewed in consultation with the Panel and local authorities and a further report on the recommended support arrangements made to authorities as necessary. Officers will report to future meetings on detailed arrangements.

Recommendation

The Executive is recommended to RECOMMEND to the COUNCIL that

1. the establishment of the joint committee to act as the Police & Crime Panel in accordance with the Police Reform and Social Responsibility Act 2011 be approved;
2. the arrangements for the Panel, including the process for appointing co-opting members, shall be as set out in Annexe 1;
3. Surrey County Council will act as the host authority, providing administrative support for the Panel; and
4. a representative from the authority be nominated to the Panel, having regard to the person specification attached at Annexe 2, at a future meeting.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Robin Pellow

Telephone: 01483 523222

E-mail: robin.pellow@waverley.gov.uk