

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
20 March 2012

**Subject:** POLICE AND CRIME PANEL

**All Wards  
Scrutiny Committee 2  
Leader of Council, Councillor N W Huxtable**

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**1.0 PURPOSE AND BACKGROUND:**

- 1.1 This report recommends Cabinet to recommend the Council to agree the proposed arrangements for the North Yorkshire Police and Crime Panel and to agree in principle to appoint one Member to the Panel.
- 1.2 The Police Reform and Social Responsibility Act 2011 introduced significant changes in Police governance and accountability, in particular replacing the Police Authorities by directly elected Police and Crime Commissioners (PCCs).
- 1.3 The public accountability for the delivery and performance of the Police Service within each Force area will be placed into the hands of the PCC on behalf of their electorate. The PCC will draw on their mandate to set and shape the strategic objectives of their Force area in consultation with the Chief Constable. The PCC will be accountable to their electorate; the Chief Constable will be accountable to their PCC.
- 1.4 The Act requires the Local Authorities in each Force area to establish a Police and Crime Panel (Panel), as a Joint Committee, to scrutinise the PCC.
- 1.5 According to the Home Office, "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."
- 1.6 The Panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:-
  - the power of veto, by two-thirds majority, over the Commissioner's proposed budget and precept;
  - the power of veto, by two-thirds majority, over the Commissioner's proposed candidate for Chief Constable;
  - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the Commissioner intends to dismiss a Chief Constable;
  - the power to review the Commissioner's draft Police and Crime Plan and make recommendations to the Commissioner who must have regard to them;

- the power to review the Commissioner's Annual Report and make reports and recommendations at a public meeting, which the Commissioner must attend;
- the power to require any papers in the Commissioner's possession (except those which are operationally sensitive);
- the power to require the Commissioner to attend the Panel to answer questions;
- the power to appoint an Acting Commissioner (from within the Commissioner's staff) when the elected Commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new Commissioner is elected); and
- responsibility for all complaints about the Commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

## **2.0 DECISIONS SOUGHT**

- 2.1 Cabinet is asked to recommend Council to agree in principle to the establishment of a Joint Committee to be known as the Police and Crime Panel.

## **3.0 DEVELOPING THE PANEL ARRANGEMENTS:**

- 3.1 Elected Member representatives (Leaders or Community Safety portfolio holders) from the nine Local Authorities in York and North Yorkshire have been overseeing the development of the arrangements for the North Yorkshire Police and Crime Panel, through a task group established by Local Government North Yorkshire and York.
- 3.2 It is anticipated that the provisions of the Act relating to the Panel will come into force on 2 April 2012. This will allow Local Authorities to establish and convene a Panel from that date although, until the PCC is elected on 15 November 2012 and takes office on 22 November 2012, the Panel's powers will be limited to those necessary to prepare itself.
- 3.3 The Act requires the nine Local Authorities to agree the formal Panel arrangements and it is proposed that they be agreed and their Member(s) of the Panel appointed at their Annual Meetings in May 2012. This will allow time for the Panel to appoint co-opted independent members; agree the Panel's rules of procedure; be briefed on relevant issues; and agree the Panel's work programme for its first year; all before the PCC is elected.
- 3.4 The draft Panel arrangements (Annex 'A') have been prepared in consultation with officers of the nine Local Authorities and considered by the elected Member task group established by Local Government in North Yorkshire and York.

## **4.0 PANEL MEMBERSHIP:**

- 4.1 In North Yorkshire and York, the Panel will consist of ten Councillors from the nine Local Authorities (at least one from each Authority) and two independent members (not Councillors) co-opted by the Panel. If a Local Authority has an Elected Mayor, she/he will automatically be a member instead of a Councillor. All twelve members will have equal voting rights. When co-opting the independent members, the Panel must ensure that, as far as is reasonably practicable, the appointed and co-opted members together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

- 4.2 It is proposed that Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council and Selby District Council will each appoint one Councillor as a member of the Panel; and that City of York Council will appoint two Councillors.
- 4.3 It is proposed that the lead Local Authority will facilitate discussions between the Local Authorities in order to enable the Authorities to fulfil their duty to secure (as far as is reasonably practicable) that the appointed Members represent the political make-up of the Local Authorities within the Police area (when taken together). It is also proposed that the nine Authorities should aim to fulfil this duty as far as possible without resorting to additional co-options to the Panel as increasing the size of the Panel beyond the core twelve members would increase costs and reduce its effectiveness. Any additional co-options would in any event require Secretary of State approval.

## **5.0 SUPPORT FOR THE PANEL AND STAFFING IMPLICATIONS:**

- 5.1 It is proposed that North Yorkshire County Council will be the lead Local Authority for the Panel, and, within the overall budget agreed by the nine Local Authorities, will provide support to the Panel and its members led by a named lead officer supplemented as required by additional specialist officers (e.g. Finance Officers when advising the Panel on the Commissioner's proposed budget and precept). There should be minimal staffing implications for this Council.
- 5.2 The Act requires that the Panel arrangements set out how support and guidance will be given to elected Members and officers of the nine Local Authorities in relation to the functions of the Panel. It is proposed that this will comprise initial briefing sessions for all elected Members and relevant officers of the nine Local Authorities before the Commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year.

## **6.0 FINANCIAL IMPLICATIONS:**

- 6.1 It is proposed that the costs of the Panel, including support, will be met by any grant from the Home Office to the lead authority. The annual grant will be £53,330 plus up to £920 towards expenses per Panel member, for at least the first year. The LGA and Local Government North Yorkshire and York have lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on Local Authorities. However, the Act requires that Panel arrangements make provision about how the Local Authorities are to share the costs of the Panel.
- 6.2 Any costs over and above the Home Office funding will need to be met by the Local Authorities. Every effort will be made to ensure that costs are contained within the funding provided by the Home Office, but if this is not possible, these will be shared between the nine Local Authorities on the basis of population, with the County Council and respective District Council sharing equally the cost in respect of the population of each North Yorkshire District Council area.
- 6.3 To avoid Councillors from different Authorities being paid different rates of allowances, if any, for Panel membership, it is proposed that the nine Local Authorities should ask one of the independent Remuneration Committees to make a recommendation on behalf of all the Local Authorities.

**7.0 LINK TO CORPORATE PRIORITIES:**

7.1 None.

**8.0 RISK ASSESSMENT**

8.1 None.

**9.0 SUSTAINABILITY IMPLICATIONS:**

9.1 None.

**10.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:**

10.1 None.

**11.0 LEGAL IMPLICATIONS:**

11.1 The 2011 Police Reform and Social Responsibility Act and Regulations are very specific about the arrangements for Panels. There is very limited scope to deviate from the requirements and the arrangements outlined in this report follow very closely the statutory requirements.

**12.0 SECTION 17 CRIME AND DISORDER ACT 1998:**

12.1 None.

**13.0 EQUALITY/DIVERSITY ISSUES**

13.1 None.

**14.0 RECOMMENDATION:**

14.1 It is recommended that the Council agree the proposed arrangements for the North Yorkshire Police and Crime Panel.

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**Background papers:** Correspondence with North Yorkshire County Council

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200312 Police and Crime Panel

## North Yorkshire Police and Crime Panel

### Panel Arrangements

This Agreement is dated the        day of        2012.

The Agreement is made between the following:

The Council of the City of York of  
The County Council of North Yorkshire of  
The District Council of Craven of  
The District Council of Hambleton of  
The Borough Council of Harrogate of  
The District Council of Richmondshire of  
The District Council of Ryedale of  
The Borough Council of Scarborough of  
The District Council of Selby of

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 North Yorkshire and York 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 is a scrutiny body with 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 joint committee of the Authorities.
1. 10 The Authorities agree the Panel Arrangements.

## **2. 0 Functions of the Police and Crime Panel**

2. 1 The Panel may not exercise any functions other than those conferred by the Act.
2. 2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Committee or Sub-Committee of the Panel.
2. 3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
  - a) review the draft Police and Crime Plan (and a variation to it); and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.
2. 4 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. 5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.
2. 6 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC in accordance with the requirements set out in Schedule 8 of the Act and will

have a right of veto in respect of the appointment in accordance with the Act and Regulations made thereunder.

2. 7 The right of veto in paragraphs 2.5 and 2.6 will require 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 making that decision.
2. 8 The Panel must review, 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 Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
2. 9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
2. 10 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, and in the case of the latter 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.
2. 11 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. 12 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 13 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel 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; or,
    - 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. 14 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. 15 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
2. 16 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
2. 17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

### **3. 0 Membership**

#### **3. 1 General**

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Lead Authority shall take steps to coordinate 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) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 3 In appointing 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, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of fair representation as follows:

3. 5 One Member appointed by each of:

- a) the North Yorkshire County Council.
- b) the District Council of Craven.
- c) the District Council of Hambleton.
- d) the Borough Council of Harrogate.
- e) the District Council of Richmondshire.
- f) the District Council of Ryedale.
- g) the Borough Council of Scarborough.
- h) the District Council of Selby.

3. 6 Two Members shall be appointed by the City of York Council.



3. 7 The Panel shall also include two independent Members co-opted by the Panel.
3. 8 The Panel may also resolve to co-opt further 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 10.
3. 9 Panel Members will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

### **3. 9 Appointed Members**

3. 10 The Authorities shall each nominate an elected member to be a Member of the Panel, and in the case of the City of York, two Members shall be nominated. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
3. 11 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. 12 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.
3. 13 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 notice to (INSERT DETAILS).
3. 14 An appointed Member may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT CONTACT DETAIL) and to their Authority at (INSERT CONTACT DETAIL).
3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
3. 16 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.

### **3. 17 Co-opted Members**

3. 18 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 PCC 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. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.
3. 21 A co-opted Member shall be a Member of the Panel for four years.
3. 22 The Panel shall put in place arrangements to ensure that appointments of 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. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT DETAILS).
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, or be more effectively met, and if so, it must exercise that power accordingly.
3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if 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 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:
- a) if the co-opted Member has been absent from the Panel for more than three 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) 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 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 independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.
3. 27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

#### **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 Authorities on the basis of population, and further also on the basis of the County Council and the respective District Council for a North Yorkshire District Area sharing equally the cost in respect of 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 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 (for example via Local Government North Yorkshire and York). All costs will be contained within the budget.

#### **5. 0 Lead Authority**

5. 1 The County Council of North Yorkshire shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

#### **6. 0 Rules of Procedure**

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

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

## **7.0 Allowances**

- 7.1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel for North Yorkshire County Council as to whether the payment of such an allowance is appropriate.

## **8.0 Promotion of the Panel**

- 8.1 The Panel arrangements shall be promoted by:
- a) the establishment and maintenance of a dedicated open-access website 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;
  - 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, and will also include a link to the Panel website.
- 8.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:
- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
  - b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

## **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, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

INSERT SIGNATURE/EXECUTION CLAUSE