

Meeting Date: 8 January 2013

Portfolio: Finance, Governance and Resources

Key Decision: Not applicable

Within Policy and Budget Framework: Yes

Public/Private\*: Public

Title: **Establishment of the Police and Crime Panel in Cumbria**

Report Number: GD.03.13

Report of: Director of Governance

#### **PURPOSE/SUMMARY:**

Following the Police Reform and Social Responsibility Act 2011 each police area in England (other than the metropolitan police district) is required to establish a Police and Crime Panel to publically scrutinise the new Police and Crime Commissioner (PCC). This report outlines the development of the Cumbria Police and Crime Panel and details proposed arrangements for this Panel and its membership.

#### **RECOMMENDATIONS:**

**It is recommended that Council:-**

- 1. Note the development of the Cumbria Police and Crime Panel and its composition; and**
- 2. Agree the arrangements for the Cumbria Police and Crime Panel.**

#### **TRACKING:**

Council:	8 January 2013
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## 1. BACKGROUND

- 1.1 Police and Crime Panels (PCPs) are scrutinising bodies which exist to scrutinise the PCC (not the Chief Constable or Police Force), to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions.
- 1.2 The PCP will have a number of functions including:
- Contributing to the development of the Police and Crime Plan (on which it is a statutory consultee);
  - Reviewing the PCC's annual report;
  - Reviewing the PCC's proposed senior appointments (including Chief Constable, Chief Executive, Chief finance Officer and Deputy Police and Crime Commissioner) with a power of veto over the appointment of Chief Constable;
  - Reviewing the PCC's proposed precept with a power of veto over the issue;
  - Receiving evidence in person from officers of the PCC's secretariat;
  - Receiving evidence and scrutinising the PCC, making reports and recommendations on matters relating to the PCC as appropriate.
  - Carrying out investigations into decisions made by the PCC and into topics of particular interest, or public concern; and
  - A role in investigating complaints about non-criminal behaviour of the PCC.
- 1.3 PCPs are to be a joint committee consisting of elected Members from each local authority in the area. The minimum Panel size is 10 Elected Members plus two independent co-optees.
- 1.4 In Cumbria, it was agreed to establish a Panel at the minimum size. At the Council meeting on 25 June 2012 members nominated a representative (Councillor Steven Bowditch) to serve on the Panel until May 2013 and agreed to continue to appoint on an annual basis from May 2013.

## 2. RESEARCH AND CONSULTATION

- 2.1 Final membership of the Panel until May 2013 has now been confirmed as being:

Member Representative	Political Party
Steven Bowditch	Labour
Barry Doughty	Labour
Geoff Garrity	Labour
Celia Tibble	Labour
Roger Bingham	Conservative
Joe Cowell	Conservative

Sid Simpson	Conservative
Graham Vincent (SLDC member)	Liberal Democrat
Jo Stephenson	Liberal Democrat
David Wilson	Independent
	Co-optee
	Co-optee

### **3. PROPOSAL**

- 3.1 As part of the ongoing development work around this Panel, the process for appointing Member representatives will be reviewed before May 2013 when the annual appointments across the County will take place. Any proposed changes to the process will be brought to Council for consideration.
- 3.2 The Panel met once as a Shadow Board and held its first formal meeting on 17 December 2012 at the Fire Service HQ in Penrith. Subsequent meetings are scheduled for 22 January 2013 and 10 April 2013.
- 3.3 At its initial meeting in shadow form the Panel considered its terms of reference and rules of procedure. The full arrangements for the Panel have now been developed and will be taken to each Cumbria Local Authority's Full Council for agreement. These arrangements are attached at Appendix 1 for Members consideration.
- 3.4 Members are asked to note the development of the Cumbria Police and Crime Panel and to agree the arrangements for this new body.

### **4. ALTERNATIVE OPTIONS**

- 4.1 There are no alternative options.

### **5. NEXT STEPS**

- 5.1 As outlined in the report, the new Cumbria Police and Crime Panel will begin its formal role in December 2013. All Elected Members and co-opted members have now been appointed and initial training sessions have been held.

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**Appendices attached to report:** None

In compliance with Section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: The Police Reform & Social Responsibility Act 2011.

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's** - None

**Community Engagement** – None

**Economic Development** – None

**Governance** – The Council must comply with the Police Reform and Social Responsibility Act 2011.

**Local Environment** – None

**Resources** - None

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### **Cumbria Police and Crime Panel – Panel Arrangements**

#### **Background**

The Panel is a joint Committee under section 101 and 102 of the Local Government Act 1972.

The 7 local authorities making up the Cumbria Police and Crime Panel and adopting these constitutional arrangements are:

Allerdale Borough Council  
Barrow in Furness Borough Council  
Carlisle City Council  
Copeland Borough Council  
Eden District Council  
South Lakeland District Council  
Cumbria County Council

#### **Membership**

The Panel comprises 10 elected members and two, independent, co-opted members.

#### **Terms of Reference**

The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post holder with a view to supporting the effective exercise of his/her functions within Cumbria.

1. To review and make reports or recommendations on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.
2. To review, put questions to the Police and Crime Commissioner at a public meeting, and make reports or recommendations (as necessary) on the Commissioner's annual report, and to publish the reports or recommendations.
3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by

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the Police and Crime Commissioner and to publish the reports or recommendations.

4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable to retire or resign to make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
6. To consult the Chief Inspector of Constabulary (where necessary) and hold a private meeting which the Chief Constable and Commissioner may attend to make representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
7. To review and make reports and recommendations (as necessary) on the proposed precept including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
8. To review or scrutinise decisions or proposals made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
10. To appoint an Acting Police and Crime Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
11. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an

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offence that carries a maximum term of imprisonment exceeding two years.

12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.
13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.
14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and any subsequent regulations made under the Act.

### **Rules of Procedure**

The Panel shall determine its Rules of Procedure (in accordance with the statutory requirements and regulations).

The Rules of Procedure shall include arrangements in relation to:

- a) the appointment, resignation and removal of the Chairman and Vice- Chairman;
- b) the appointment of sub-committees;
- c) the appointment of Task Groups;
- c) the making of decisions;
- e) the circulation of information;
- f) the frequency, timing and place of meetings;
- g) public participation; and
- h) minority reporting.

### **Elected Members**

Each of the above mentioned authorities shall appoint annually one member as its representative on the Panel to hold office for the following municipal year, with no provision for substitution. All such

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appointments shall be notified to the host authority no later than 31 May in each year. Each Authority will give consideration to the 'balanced objective requirement' in its annual appointment process. Where possible, an Authority will give consideration to continuity of membership to enable the Panel's expertise and skills to be developed for the effective scrutiny of the Police and Crime Commissioner.

After each Authority has appointed one elected Member to sit on the Panel, (this will fill 7 of the 10 places allocated to elected Members, and will ensure that there is geographical balance) the political make up of the Panel as it stands will be examined by the host authority against how an ideally balanced panel would look using the proportionality criteria specified in the Police and Social Responsibility Act and associated guidance. If as a result of this review one or more seats should be allocated to an Independent (Non-Aligned) member then the host authority shall write to all of the Independent Elected Members in Cumbria seeking expressions of interest in serving on the Panel. Once these nominations have been received the Independent Members will then vote on those Members who have put themselves forward as possible candidates. The successful candidate will then be officially nominated to the Panel through their own authority (District or County Council).

The County Council will then nominate three members (or two if the political balance of the Panel results in a seat for an Independent Councillor) to provide for a politically balanced Panel as far as possible.

Membership of the Panel ceases if a member ceases to be a member of the appointing local authority.

In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the provisions in the Act.

### **Independent Co-opted Members**

Two independent persons will also be co-opted to the Panel, with no provision for substitution. Their term of office shall be 4 years and no co-opted member shall serve more than 2 full terms. After this time the positions will be re-advertised.

If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member through the process as described in

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these arrangements. The new appointment will be for the remainder of the term.

The following shall be disqualified from being appointed, and from being a co-opted Member if so appointed:

- a) the PCC for the police area;
- b) a member of staff of the Police and Crime 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;
- h) a member of the uniformed Police Force for Cumbria;
- i) a member of one of the 7 local authorities in Cumbria

A co-opted Member shall be a Member of the Panel for four years. The maximum time length that a co-opted member may serve for is two terms.

The appointments of co-opted Members shall be undertaken 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.
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised.
- d) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in the Thames Valley and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factor.

Costs of the recruitment process shall be met from within the existing budget approved by the Panel. Costs will be minimised by utilising existing networks and advertising online through the national public appointments website, rather than by paid advertisement in newspapers.

A co-opted Member of the Panel may resign from the Panel by, giving at least three months written notice to the host authority. In

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exceptional circumstances the Panel may agree to a shorter notice period.

Where 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 a replacement is sought as soon as possible.

### **Resignation and removal of elected members on the Panel**

An Authority may decide in accordance with its procedures to remove its Member from the Panel at any time and upon doing so shall give written notice to the host authority of the change in its Member.

A Member may resign from the Panel at any time by giving notice to the appointing Council who will inform the host authority.

In the event that any Member resigns from the Panel, or is removed from the Panel by his or her Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel, applying the considerations given above.

Where a Panel Member fails to attend meetings of the Panel over a six month period then the host authority shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Panel and the appointment of a replacement member from that Authority.

### **Allowances and Expenses**

No allowance will be made by the Panel to elected members. Any expenses which may be made to elected members arising out of Panel Membership shall be determined and borne by the host authority.

The Host Authority, on behalf of the Panel will reimburse reasonable expenses to co-optees provided that this is agreed as part of the annual budget approved by the Panel.

### **Meetings, Agendas and Reports**

Meetings may be held in any part of Cumbria, but will usually be held at 10.30 a.m. at The Courts, Carlisle or County Offices, Kendal.

The host authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the requirements of the Local Government Act 1972. The notice of

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meeting and summons will be signed by the Proper Officer of the host authority.

The presumption is that all formal items will be considered in public except for those that meet the Part II confidentiality criteria of Schedule 101A of the Local Government Act 1972. Part I reports, agendas and minutes will be published on the dedicated webpage provided by the host authority, to which other authorities are invited to provide a link.

The press and public may be excluded from any part of a meeting when the Panel passes a resolution to that effect, when it considers that exempt information may be given or discussed and that it considers the public interest in keeping the information out of the public domain greater than the public interest in disclosing it. A Part I summary of any such discussions shall be included in the minutes.

Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.

Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.

### **Standards**

Elected Members, will be bound by the code of conduct of their appointing authority. Co-opted members will be bound by the code of conduct of the host authority

### **Host Authority**

The Panel shall agree a Host Authority for the Secretariat for the Panel, which shall provide such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel.

Cumbria County Council shall act as the initial Host Authority until such time as either:

- (a) The Panel resolves at its annual meeting (held in June of each year) that another Authority should carry out this function, provided that such other Authority agrees. In which case, the function will be transferred twelve months after the Panel decision unless a shorter period is agreed between Cumbria

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County Council (or the existing Host Authority) and the new Host Authority; or

- (b) Cumbria County Council serves notice that it no longer wishes to be the Host Authority and this function is transferred to another Authority in which case, a twelve month notice period will apply, unless a shorter period is agreed between Cumbria County Council and the new Host Authority

### **Resources**

All Home Office funding for the Panel will be received and administered by the host authority.

The total costs of running the Panel shall be contained within the Home Office funding although any local authority may provide additional funding or other resources to support the work of the Panel.

An annual budget report shall be submitted to the Panel by the host authority.

Constitutional and other specialist support will be provided by the host authority, together with creation and maintenance of a website, issuing press releases (with the agreement of the Chairman), and administration of the payroll for member allowances. Additional services can be commissioned as needed, subject to funding being available. All constituent local authorities will be encouraged to provide a link from their websites to the Panel website.

The host authority will be responsible for the payment of travelling expenses of members, either the price of a second class public transport ticket (receipts must be provided) or a car mileage rate at the current HMRC level. The Proper Officer of the host authority may, with the agreement of the Panel Chairman, authorise any Panel member to attend relevant conferences or training courses and for this to be paid for at the subsistence rates available from the host authority, within available funding.

### **Promotion of the Panel**

The Panel shall be promoted and supported by the Host Authority through:

- (a) The inclusion of dedicated webpages on the work of the Panel, with the publication of meeting agendas; minutes; and papers

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where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972. All reports and recommendations made, with responses from the PCC will be published. Information on member attendance and other publications will be included.

- (b) Media and communications support provided by the corporate communications team, this includes the issuing of press release where required.
- (c) Clerking support to be provided for all public Panel meetings. This includes sending out agendas; minutes; procedural advice.
- (d) Legal advice where required for the Panel to carry out its duties effectively.
- (e) Independent policy advice to the Panel through a dedicated scrutiny officer, this includes written and oral briefings to Panel members.

The costs of the promotion work identified above will be identified as part of the annual budget approved by the Panel.

The Panel shall be promoted and supported by each Authority through:

- (a) Ensuring that briefings take place for local stakeholders on the work of the Panel. This includes officer briefings to respective members in each authority to support the work of the Panel (executive/non-executive members including Panel member) on a regular basis to ensure that members are fully informed about local relevant matters.
- (b) Information on each respective website about the work of the Panel and links to the main web-pages.
- (c) Sharing of information on the work of the designated statutory Crime and Disorder Scrutiny Committee in order to ensure that the work programme of the Panel complements local scrutiny work and vice-versa.

## **Training**

The host authority will organise at least one training session on an annual/two yearly basis, to coincide with appointments to the Panel

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and will provide advice and guidance to any new member appointed.

### **Urgent Action**

If, in the view of the host authority's Proper Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the host authority's Proper Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Proper Officer to take any decision on a matter which is reserved by law to the Panel. All urgent decisions will be reported, in writing, to the next Panel meeting.

### **Validity of Proceedings**

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.