

REPORT TO: 7 NORTH EASTERN LOCAL AUTHORITY LEADERS
AND ELECTED MAYOR

DATE: 11 JUNE 2012

SUBJECT: NORTHUMBRIA POLICE AND CRIME PANEL

1. Purpose

- 1.1 This report outlines the steps which will need to be taken in order to establish the Northumbria Police & Crime Panel (“the Panel”) and identifies key decisions that are required.

2. Background

- 2.1 The Police Reform and Social Responsibility Act 2011 (“the Act”) requires each police area in England, outside London, to have a Police & Crime Panel. These panels will publicly scrutinise the Police & Crime Commissioners, who themselves will hold the Chief Constable of their force to account for the full range of their responsibilities. However, panels may not exercise any function other than those conferred by the Act.

- 2.2 A Police & Crime Panel is either:

- a committee of the relevant local authority, if it is the Panel for a single authority police area; or
- a joint committee of the relevant local authorities, if it is a Panel for a multi-authority police area.

- 2.3 In police areas covering 10 or fewer local authorities, such as Northumbria, membership of the Panel will comprise 10 local councillor representatives, and a minimum of two lay members co-opted by the Panel. It is for local authorities to determine which councillors they appoint to sit on the Panel. However, in exercising their nomination, local authorities must secure that the panels should, as far as is reasonably practicable, meet the ‘balanced appointment objective’: i.e. reflect the political and geographical make-up of all the local authorities in the force area with the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

The Panel may resolve to have additional co-opted members up to a total Panel membership of twenty. If the panel considers this appropriate and makes a resolution to increase the number of co-opted members, this resolution is subject to the agreement of the Home Secretary. If a Police & Crime Panel has three or more co-opted members, a member of a local authority within the police area may be a co-opted member as long as at least two of the other co-optees are

not members of a local authority. Again, in exercising its power to co-opt additional members of the local authorities, the panel must try to secure the balanced appointment objective.

- 2.4 The Police & Crime Panel will provide an important set of checks and balances to the Police & Crime Commissioner. The Panel will be able to scrutinise the activities of the Commissioner, offer advice to them (which they are obliged to consider) and handle any complaints against the Commissioner and, in certain circumstances, require them to resign.
- 2.5 The Police & Crime Panel will have the following powers:
- Reviewing the draft Police and Crime Plan
 - Reviewing the Police and Crime Commissioner's annual report
 - Reviewing senior appointments
 - A power of veto over the issue of precept
 - A power of veto over the appointment of the Chief Constable
 - Reviewing or scrutinising decisions made or actions taken by the Police and Crime Commissioner.
 - Suspending the Police and Crime Commissioner following serious allegations of misconduct.
 - Appointing acting Police and Crime Commissioners in the event of incapacity, etc.

3. Issues for consideration

- 3.1 **Lead Authority:** Local authorities in multi-authority police areas need to decide which of them will be the Lead Authority for the joint committee which will form the Police & Crime Panel. Decisions are required about the provision of accommodation and officer support as well as resourcing. Any Home Office resourcing will go to the Lead Authority.

Gateshead Council has been lead for the Northumbria Police Authority for many years and it might be considered appropriate, given its lengthy experience in supporting the Police Authority including its Scrutiny Committee (a role not dissimilar to that of the Panel), that it should continue to take the lead role for the purposes of maintaining the Panel and planning and delivering its work programme and supporting its administration.

The Home Office proposes to make £53,300 available for support and running costs of the Panel and up to £920 per member to fund necessary expenses. It is not yet clear how long this funding will last or how it will be paid.

- 3.2. **Chair:** Consideration will also have to be given to the appointment of a chair. There are no specific provisions for the chair to rotate between authorities although there is nothing in the legislation to prohibit this.

Each Panel must decide on its charring arrangements which will have to be set out in the Panel's Rules and Procedures.

- 3.3. **Composition:** As outlined above, a police area consisting of ten or fewer authorities is subject to the requirement that the number of councillor members of the Panel will be 10, not including the co-opted members. Composition should be established in accordance with the 'balanced appointment objective' set out in the legislation and referred to above. Essentially, in the case of Northumbria, each authority in the police area must be represented by at least one member, with the other four 'extra members' being appointed by whichever authorities are identified in the Panel arrangements (see below).

Considerations arise as to who is appropriate to sit on the Panel. Composition should take account of, as far as is practical, both political and geographical proportionality, as well as necessary skills and experience when coming to a judgement upon who sits on the body. For example, authorities will need to consider whether to nominate executive or non-executive members to sit on the Panel.

Guidance issued by the Local Government Association, based on advice from the Home Office, makes reference to the approach taken by police authorities to determine political balance. Appointments to police authorities are governed by the Police Authority Regulations 2008 as amended by the Police Authority (Community Engagement and Membership) Regulations 2010. These requires that the Authority exercises its powers to appoint members to ensure, so far as reasonably practicable, in the case of the members for whose appointment it is responsible, the proportion who are members of any given party is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party. The guidance suggests that these regulations provide a "ready formula" for calculating the political balance of the panels.

Application of the regulations to the political balance of the ten councillor members on the Northumbria Police and Crime Panel would result in the following allocation of places:

Labour	7
Liberal Democrats	2
Conservatives	1

It should also be noted that any Elected Mayor in the police area, have a guaranteed seat (although they can delegate to a councillor from their authority in their place).

All panels must have at least two lay co-opted members. The legislation provides no restriction as to who these members might be other than that they are required to have necessary skills and knowledge to assist the Panel in discharging its functions. The local

authorities will have to decide upon arrangements for selection procedures for these members (see Panel Arrangements, below).

- 3.4 **Secretary of State's Power to Nominate/Approval of additional elected member co-optees:** Where agreement cannot be reached amongst authorities the Secretary of State has the power to make nominations.
- 3.5 **Allowances:** It is planned that remuneration is made available by the Home Office only to cover expenses (i.e. travel and subsistence). No funding is being made available to cover allowances for councillor or co-opted members. However, authorities may choose, (taking into account any recommendations of their independent remuneration panels), to provide additional allowances to members sitting on the Panel to bring allowances fully into line with allowances for other committees. These matters are expected to be detailed within the Panel Arrangements to be agreed by the relevant authorities.
- 3.6 **Panel Arrangements and the Rules of Procedure:** All authorities in the police area must make Panel Arrangements and the Panel itself must make its Rules of Procedure. The Panel Arrangements are required to cover a number of aspects including arrangements for the appointment of co-optees, how authorities will make provision for resourcing of the Panel, term of office appointment, resignation and removal of members of the Panel and payment of allowances. The Rules of Procedure will be required to cover chairing, the formation of subcommittees, the making of decisions, arrangements for convening meetings and systems for circulation of information and the promotion of work of the Panel. Draft headline Panel arrangements are attached as Appendix 1.
- 3.7 **Shadow Panels:** Many authorities are setting up Panels in shadow form from July to facilitate preparations ahead of the November elections of Police & Crime Commissioners; during this period they will:
- prepare for their formal establishment and the carrying out of their functions
 - make recommendations on resources, administration and other support to be considered by the Panel once constituted or referred back to Councils for decision as appropriate
 - agree (informally) their Rules of Procedures
 - agree induction/training programmes
 - establish procedures for appointment of co-opted members for recommendation to the local authorities
- It would seem appropriate for Northumbria to also set up a Shadow Panel.

4. **Next Steps and Decisions Required by 2 July**

- For the relevant Councils to make a decision as to which Council will lead the development of Panel Arrangements and support and maintain the Panel.
- Appointments to a Shadow Police & Crime Panel to be made in accordance with the balanced appointment objective.
- Application of the regulations to the political balance of the ten councillor members on the Northumbria Police and Crime Panel would result in the following allocation of places:

Labour	7
Liberal Democrats	2
Conservatives	1
- With regard to the distribution of seats, if one place is allocated to each of the constituent councils four places remain on the Panel. For the relevant Councils to consider: achievement of the balanced appointment objective based on Local Government Association guidance on the basis of population. This would result in Newcastle, North Tyneside, Northumberland and Sunderland each being allocated 2 places and Gateshead and South Tyneside one place each.
- A proposal that the Shadow Panel resolve to increase the Panel number to 14, reflecting local geographical issues, particularly the unique urban and rural nature of Northumbria. If necessary make an application to the Secretary of State for consent to two additional co-opted members to increase the Panel's number of councillors to 12 enabling equality of representation (ie 2 members) for each local authority area.
- The Lead Authority to draft, consult and seek Councils' approvals of Panel Arrangements based on Appendix 1 covering:
 - establishment and maintenance of the Panel,
 - arrangements for co-option of members,
 - term of office,
 - resignation or removal of Panel members, payment of allowances,
 - administrative support and guidance,
 - how Councils will meet the costs of the Panel.
- The Shadow Panel should meet to discuss the operation of the Panel, to agree Rules of Procedure and establish training and induction programmes.

Draft Headline Police and Crime Panel Arrangements for Northumbria

Operating arrangements

- 1.1 Gateshead Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The Panel shall initially be made up of 10 councillors and two independent members.

Membership

- 2.1 All councillors are eligible to be members of the Police and Crime Panel.
- 2.2 Included in the Panel's membership will be at least one councillor from each of the unitary councils.
- 2.3 The Panel membership shall, as far as possible, be politically balanced.
- 2.4 All members of the Police and Crime Panel may vote in proceedings of the Panel.
- 2.5 The Panel Arrangements will include provision as to how the membership shall be comprised, having regard to the need to assure equity of representation, political proportionality across the force area, and the manner in which lay members/co-optees shall be appointed.

Casual vacancies

- 3.1 A vacancy on a Police and Crime Panel arises when a member, either councillor or independent resigns from the membership of the Panel.
- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their Constitution. Vacancies for independent members will be filled in accordance with the selection process to be agreed.

Independent members

- 4.1 The Police and Crime Panel shall co-opt two independent members onto the Panel for a term initially of 3 ½ years and then subsequently 4 years starting in October 2012.

Additional co-opted members

- 5.1 Additional co-optees may be appointed by the Panel

Appointment of elected members

- 6.1 Members will be appointed at the Annual General meeting of each council.

Term of Office

- 7.1 A member shall be appointed annually to the Panel to hold office for the following municipal year, and all such appointments shall be notified to the Secretariat no later than 31 May in each year, subject to the following proviso that he or she shall cease to be a member of the Panel if he or she ceases to be a member of the Authority
- 7.2 Each Authority will give consideration to the balanced appointment 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 PCC

Resignation and removal of elected members on the Panel

- 8.1 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 Secretariat of the change in its member
- 8.2 A member may resign from the Panel at any time by giving notice to the appointing council whom will notify the Secretariat
- 8.3 In the event 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, in accordance with the agreed arrangements.
- 8.4 Where a member fails to attend meetings of the Panel over a six month period then the Secretariat 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 Expense

- 9.1 The host Authority on behalf of the Panel will reimburse reasonable expenses to co-optees provide this is agreed as part of the annual budget approved by the Panel.
- 9.2 Each Authority has the discretion to pay its representatives on the Panel Special responsibility Allowances and to reimburse reasonable expenses incurred.

Validity of Proceedings

- 10.1 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.

- 10.2 All Panel members (including co-opted members) must observe the members Code of Conduct and any related Protocols as agreed by the Panel (further regulations may follow on this issue)

Resourcing

- 11.1 The Panel Arrangements shall include provision (if any) as to how the represented local authorities shall resource the Panel and how such funds will if necessary, be disbursed between those authorities.

Relationship Protocol

- 12.1 The Panel Arrangements shall include a Protocol governing how the Panel, the Police and Crime Commissioner and other local community safety partners shall define their relationships with one another.