

**Open Report on behalf of the Executive Director Performance and Governance**

Report to:	<b>County Council</b>
Date:	<b>18 May 2012</b>
Subject:	<b>Lincolnshire Police and Crime Panel</b>

**Summary:**

This report briefs Lincolnshire's Local Authorities on the development of the Lincolnshire Police and Crime Panel and seeks approval to confirm arrangements for its establishment.

**Recommendation(s):**

- 1) That the development of the Lincolnshire Police and Crime Panel be noted.
- 2) That approval be given to the proposed arrangements, set out in Appendix A of the report, for the Lincolnshire Police and Crime Panel to be established in accordance with Schedule 6 of the Police Reform and Social Responsibility Act 2011 as a joint committee of Boston Borough Council, the City of Lincoln Council, East Lindsey District Council, Lincolnshire County Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council.
- 3) That the County Council appoints three Members to the Lincolnshire Police and Crime Panel with authority to take all decisions necessary to participate in undertaking the functions of the Panel.
- 4) That approval be given for East Lindsey District Council to be designated as the lead authority for the Lincolnshire Police and Crime Panel.

**1. Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 Act introduces significant changes in police governance and accountability, in particular replacing Police Authorities with directly elected Police and Crime Commissioners (commissioners).

- 1.2 The public accountability for the delivery and performance of the police service within each force area will be placed into the hands of the commissioner on behalf of their electorate. The commissioner will draw on their mandate to set and shape the strategic objectives of their force area in consultation with the chief constable. The commissioner will be accountable to their electorate; the chief constable will be accountable to the commissioner.
- 1.3 The Act also requires the local authorities in each police force area to establish a Police and Crime Panel (panel), as a joint committee, to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.
- 1.4 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."
- 1.5 The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
  - a. the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
  - b. the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
  - c. the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
  - d. the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;
  - e. the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
  - f. the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
  - g. the power to require the commissioner to attend the panel to answer questions;
  - h. 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

- i. responsibility for all complaints about the commissioner; although serious issues must be passed to the Independent Police Complaints Commission (IPCC).
- 1.6 The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so.

## **2. Developing the panel arrangements**

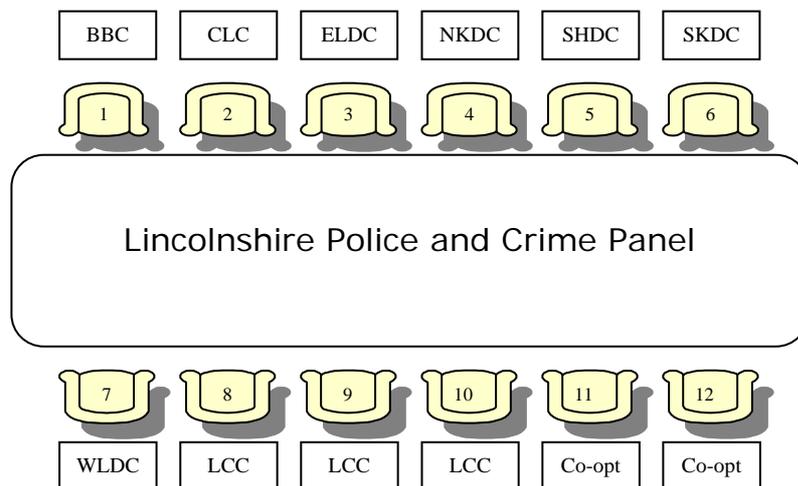
- 2.1 The Lincolnshire Leaders and Chief Executive Group consisting of the eight local authorities in Lincolnshire have been overseeing the development of the arrangements for the Lincolnshire Police and Crime Panel. The proposed panel arrangements (Appendix A) were developed with Legal Services Lincolnshire and were recommended for approval by the Leaders and Chief Executives meeting on 12 April 2012.
- 2.2 It is proposed that the eight local authorities each agree the formal panel arrangements, establishing it as a joint committee, and appoint their member(s) of the panel at their annual meetings in May 2012. This will allow time for the panel, before the commissioner is elected, 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. Until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the panel's powers will be limited to those necessary to prepare the panel.
- 2.3 The Act requires the panel to agree its own rules of procedure including the appointment and removal of the Chairman, the formation of sub-committees, the making of decisions and the arrangements for convening meetings.

## **3. Panel membership**

- 3.1 The Act requires that the Lincolnshire Crime and Police Panel consists of ten councillors from the eight local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the panel. A maximum of eight additional co-options (who may or may not be councillors) are possible with the prior approval of the Home Secretary. All panel members will have equal voting rights.
- 3.2 When appointing panel members, a local authority must secure that (as far as is reasonably practicable) the balanced appointment objective is met. This is the objective that local authority members of a panel (when taken together) represent all parts of the police area; represent the political make-up of the local authorities (when taken together); and have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.

- 3.3 When co-opting 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. Advertising for the two independent co-opted members will commence following the appointment of members to the panel and will be led by the lead authority.
- 3.4 As shown in Diagram 1 it is proposed that Boston Borough Council, City of Lincoln Council, East Lindsey District Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council each appoint one councillor as a member of the panel; and that Lincolnshire County Council appoint three councillors with the objective of providing political balance where reasonably practical. Executive and non Executive members may be appointed onto the panel and it is the decision of the local authority to decide the type of member appointed to Panel in line with the requirements highlighted in section 3.2.

Diagram 1 – Proposed Membership for the Lincolnshire Police and Crime Panel



- 3.5 It is proposed that the lead 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).
- 3.6 It is also proposed that the eight local 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.

#### **4 Support for the Panel**

- 4.1 It is proposed that East Lindsey District Council will be the lead local authority for the panel and, within the overall budget agreed annually by the eight local authorities, will support the panel and its members with administrative and other support to undertake its functions.
- 4.2 The Home Office will be providing a grant to the lead local authority to meet the costs of the panel, including support for the panel. The grant will start in October 2012 and is expected to be £53,330 per annum plus £920 towards expenses per panel member.
- 4.3 It is not intended that the costs of the panel will exceed the grant provided by the Home Office.
- 4.4 The grant is only confirmed for the first 2 years of the panel. The panel arrangements include a clause to ensure the cost burden does not fall solely to East Lindsey District Council should this funding cease or reduce. The proposal is that any costs incurred be split with Boston Borough Council, City of Lincoln Council, East Lindsey District Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council paying 10% each and Lincolnshire County Council paying 30%
- 4.5 It is proposed that each local authority will reimburse, from within its own resources, expenses incurred by its appointed member(s) to undertake their panel duties and that the local authority will then invoice the lead authority for these costs on an annual basis up to a sum of £920 per member. The lead authority will administer the expenses of the independent co-opted members. Mileage expenses will be paid in line with HMRC mileage payment guidelines. It is not proposed that panel members receive allowances.

#### **3. Legal Comments:**

The Act requires the local authorities in each police force area to establish a panel, which will be a joint committee, to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business. The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so.

#### **4. Resource Comments:**

There are no material financial implications arising from the acceptance of the recommendations in this report.

## 5. Consultation

### a) Has Local Member Been Consulted?

n/a

### b) Has Executive Councillor Been Consulted?

Yes

### c) Scrutiny Comments

Not applicable.

### d) Policy Proofing Actions Required

Not applicable.

## 6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed arrangements for the Lincolnshire Police and Crime Panel

## 7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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