

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL – 24 SEPTEMBER 2019**

**REVIEW OF LEICESTER, LEICESTERSHIRE AND RUTLAND
POLICE AND CRIME PANEL CONSTITUTION**

REPORT OF THE SECRETARIAT

Purpose of Report

1. To enable the Panel to review and consider proposed amendments to the Leicester, Leicestershire and Rutland Police and Crime Panel Constitution.

Background

2. Paragraph 25 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 states that a Police and Crime Panel must make rules of procedure for the Panel which should include provision about the appointment, resignation and removal of a person to chair the panel.
3. The Rules of Procedure and Protocols and Guidance documents for the Leicester, Leicestershire and Rutland Police and Crime Panel were approved at the Panel's first meeting on 23 November 2012. At the Panel's meeting on 20 December 2012 a process for dealing with complaints against the Police and Crime Commissioner was agreed which included delegating authority to the Panel's Monitoring Officer to act as the first point of contact for complaints and that the Chairman and Vice-Chairman act as second or reserve points of contact.
4. The Panel's Constitution therefore comprises of the following sections:
 1. Terms of Reference.
 2. Panel Arrangements.
 3. Rules of Procedure.
 4. Arrangements for handling complaints against the Police and Crime Commissioner.
 5. Protocols with other bodies:
 - (a) The Police and Crime Commissioner.
 - (b) The Crime and Disorder Overview and Scrutiny Committee at Leicestershire County Council ("The Scrutiny Commission").

5. At the Panel's meeting on 3 October 2017 the Terms of Reference of the Panel were amended so that the term of office of Independent Members would no longer be coterminous with that of the PCC and instead the Independent Members would be appointed on to the Panel for a term of 4 years commencing at the mid-way point in the Police and Crime Commissioner's term of office. No other changes to the Constitution were made.
6. The Policing and Crime Act 2017 made some amendments to the Police Reform and Social Responsibility Act 2011 including enabling a PCC to take on responsibility for the governance of fire and rescue in his or her area, and if a PCC vacancy arises the Deputy PCC can remain in post until a new PCC takes office.
7. On 12 December 2018 the Panel considered the Annual Report of the Panel's Monitoring Officer (Director of Law and Governance at Leicestershire County Council) regarding complaints against the Police and Crime Commissioner, and the Director of Law and Governance informed that it was intended to revise the policy document for making complaints against the Police and Crime Commissioner and the revised document would be considered by the Panel in 2019.
8. The Leicester, Leicestershire and Rutland Police and Crime Panel Constitution now requires reviewing in the light of the Policing and Crime Act 2017 and to ensure it is generally fit for purpose. Proposed amendments to the Constitution are set out in red on the appendix.

Rules of Procedure

9. It is proposed that paragraphs 1-3 of the Rules of Procedure be amended to give greater clarity to the procedures around the election of Chairman.
10. At the Panel meeting on 3 June 2019 questions were raised around voting and whether secret ballots were able to be held. It is propose to amend paragraph 41 of the Rules of Procedure to make it clearer that secret ballots are not permissible.

Deputy PCC

11. The Terms of Reference of the Panel, and Rules of Procedure, require amending to reflect that a Deputy PCC can take on the role of Police and Crime Commissioner if the elected Police and Crime Commissioner is unable to carry on the role and the Deputy PCC's term of office can continue until a new Police and Crime Commissioner is elected (proposed new paragraphs 91 – 94).

Fire and Rescue Functions

12. In July 2017 the current Police and Crime Commissioner Lord Bach resolved that he was not minded to start the process to have involvement in the Governance of the Fire and Rescue Service. To date the PCC has not given any indications that he is minded to change his view on this therefore no

amendments need making to the Police and Crime Panel Constitution in relation to Fire and Rescue. However, should an incoming PCC have a different view regarding the Governance of Fire and Rescue then the Constitution would need reviewing in light of this.

Minority Reports

13. The Police and Crime Panel occasionally submits reports to the Police and Crime Commissioner expressing its views, for example regarding the Police and Crime Commissioner's Annual Report. The Constitution currently allows a minority report to be submitted on behalf of Panel members that are not in favour of the majority report, and according to the Constitution the Police and Crime Commissioner is required to respond to both the majority and minority report (old paragraphs 62-67). However, the Office of the Police and Crime Commissioner have suggested that the requirement that the Police and Crime Commissioner responds to both the minority report and the majority report is unnecessary. Furthermore, the writing of a minority report and a majority report is not in accordance with current practice as any report submitted to the Police and Crime Commissioner on behalf of the Panel will normally contain a broad range of views and summarise comments made by all members on a particular issue. Therefore it is proposed that the paragraphs regarding minority reports are removed from the Constitution.

Arrangements for making a complaint about the Police and Crime Commissioner or Deputy Police and Crime Commissioner

14. It is proposed that the complaints guidance be amended to make the process easier for members of the public to understand. In 2018 the Independent Police Complaints Commission was replaced by the Independent Office for Police Conduct so the Constitution needs to be amended to reflect this.

Protocols with other bodies

15. It is proposed that the Protocols With Other Bodies section is shortened to make the overall Constitution smaller and avoid duplication with other sections of the Constitution. It is recommended that much of what previously appeared in that section, including the Protocol with the Scrutiny Commission at Leicestershire County Council (Crime and Disorder Committee), form part of a separate guidance document.

Recommendations

16. The Panel is asked to approve the amended Constitution as set out in the appendix.

Officer to Contact:

Lauren Haslam, Director of Law and Governance
Leicestershire County Council
Tel: 0116 3056240

Euan Walters, Senior Democratic Services Officer
Leicestershire County Council
Tel: 0116 305 6226
Email: Euan.Walters@leics.gov.uk

Appendices

Leicester, Leicestershire and Rutland Police and Crime Panel Constitution