

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL – 13 DECEMBER 2023**

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

**REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE,
LEICESTERSHIRE COUNTY COUNCIL**

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. These included a requirement for an annual review of the Panel's constitution. This requirement is now set out at Section 3 Paragraph 115 of the Constitution which states: "The Host Authority will conduct an annual review of the provisions of the Constitution and report to the Panel on the outcome of that review should it be considered appropriate to make any amendments".
4. 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.
5. At the Panel 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 independent members would be appointed mid-way through the term of the PCC.
6. On 24 September 2019 amendments were made to the Constitution regarding the procedures around election of Chairman, voting and secret ballots, and a new process for complaints against the PCC was approved.
7. On 11 May 2020 Leicester City Council took over from Leicestershire County Council as the Panel's Host Authority.

8. On 9 December 2020 the Panel's Constitution was amended so that references to Leicestershire County Council as Host Authority were amended to Leicester City Council, and the procedure for Public Questions was amended.

Amendments made at meeting on 2 December 2021

9. On 2 December 2021 the Panel considered a report of the City Barrister, Leicester City Council which proposed that amendments be made to the Constitution with regards to the allowance paid to independent members and the delegated powers to deal with complaints. The latter change was proposed to be made because, following correspondence with the Independent Office for Police Complaints (IOPC), a technical error had been discovered in the delegations granted by the Panel when it came to the referral of "serious complaints" and "conduct matters" to the IOPC. These are two types of complaints which the Panel is mandated to refer to the IOPC. Previously, the power of referral was delegated to the Monitoring Officer on behalf of the Panel. It was highlighted by the IOPC that any such delegation can only be to the Chief Executive of the OPCC, not the Monitoring Officer. It was proposed to re-word Part 4 of the Constitution to reflect this change. The minutes of the meeting on 2 December 2021 indicate that the Panel resolved that the power of delegation to refer criminal complaints to the IOPC be amended to the Chief Executive Officer of the OPCC with immediate effect, and that the amended rate of the Independent Members Allowance be approved for future appointments. However, it is not clear from the documentation received by Leicestershire County Council from Leicester City Council during the 2023 handover process that the changes to the Constitution agreed at the meeting 2 December 2021 were actually made to the Constitution document. Therefore, due to this uncertainty, the Panel is asked to confirm its agreement that these changes be made, in order that the Constitution can be updated as an interim position in order that any complaints which may now be received can be properly addressed.
10. It is intended to review operational guidance issued by the IOPC in November 2022 on handling complaints or recorded conduct matters to consider whether any revisions may be required to the management of the complaints process. As part of this review, it is intended to consider an informal protocol agreed between the City Barrister, Leicester City Council and the former Chief Executive of the OPCC in January 2022 about sharing complaint information with a view to formally adopting the protocol with any revisions which may be recommended as a result of the operational guidance issued by the IOPC referred to above.

Budget and change of secretariat

11. On Monday 16 October 2023 responsibility for administering the Leicester, Leicestershire and Rutland Police and Crime Panel transferred from Leicester City Council to Leicestershire Council. The Home Office have been made aware of this change and have advised that as the 2023/24 Grant Agreement was signed by Leicester City Council, the Home Office is required to pay the

whole grant sum over the course of this financial year (2023/24) to the same Local Authority i.e Leicester City Council. Therefore, the Home Office cannot pay the grant directly to Leicestershire County Council for 2023/24.

12. Nevertheless, the Grant Agreement states the following:

Where the Recipient is paying Grant monies to Delivery Partners, and any Delivery Partner(s) wish to retain such original documentation, the Recipient should obtain from the Delivery Partner(s):

- a. *certified copies of the accounting documents justifying income and expenditure incurred by the Delivery Partner(s) in relation to the Purpose,*
- b. *an annual, written statement, signed by the Delivery Partner's treasurer or equivalent senior finance officer, of how the money was spent, and*
- c. *a signed undertaking that the Delivery Partner will retain such documents for the period prescribed above.*

12. Therefore, it has been agreed between Leicester City Council and Leicestershire County Council that the best way to manage this issue would be for Leicester City Council to continue to receive the Grant monies for the remainder of the 2023/24 year and Leicestershire County Council be treated as a delivery partner so the County Council can receive from the City Council Grant monies for the work the County Council has carried out.

13. For the 2024/25 year and other years going forward the Grant Agreement will be signed by Leicestershire County Council therefore the Grant monies will be able to be paid directly to the County Council.

14. The Panel's Constitution requires updating to reflect the above changes and it is proposed that in the following paragraphs reference to 'Leicester City Council' is replaced with 'Leicestershire County Council':

- Part 2 Paragraph 1;
- Part 3 Point 51.

15. Part 2 Paragraph 29 of the Panel's Constitution states: "Leicester City Council as the host Authority will receive funding from the Home Office for the purposes of establishing and maintaining the Panel and for the payment of expenses to Members." It is proposed that reference to Leicester City Council in this paragraph remains until Leicestershire County Council has signed the 2024/25 Grant Agreement but that the Panel authorise this change with effect from 1 April 2024.

16. Part 3 Paragraph 9 of the Constitution states "The Access to Information Procedure Rules laid down by the Host Authority will apply with any necessary modifications." Therefore the existing link to Leicester City Council's Access to information Procedure Rules requires replacing with a link to Leicestershire County Council's constitution access to information rules which are set out in part 4B:

<https://politics.leics.gov.uk/documents/s172938/Part4B%20Access%20to%20Information%20Procedure%20Rules.pdf>

Schedule 1

17. Schedule 1 of the Constitution relates to membership of the Panel. Schedule 1 states the membership is as follows:

- 7 Conservatives Nominees from - County Council, Rutland, Harborough, Melton, Charnwood, Blaby, NWLDC
- 4 Labour City Council
- 2 Liberal Democrats Nominees from Hinckley & Bosworth and Oadby & Wigston
- 2 Independent Co-opted Members

18. However, Council elections took place in 9 out of the 10 Local Authority Areas on 4 May 2023. This saw significant changes in the political make-up and political control of the Leicester, Leicestershire and Rutland constituent authorities. At the Panel meeting on 26 July 2023 it was confirmed that the Panel membership would be as follows:

- Five Conservative appointees – Leicestershire County Council, Blaby District Council, North West Leicestershire District Council, Leicester City Council (2 members);
- Four Labour appointees – Leicester City Council (2 members), Charnwood Borough Council, Melton Borough Council ;
- Three Liberal Democrat appointees - Hinckley & Bosworth Borough Council, Oadby & Wigston Borough Council, Rutland Council;
- One Green appointee – Harborough District Council.

19. Therefore schedule 1 requires amending to reflect the current membership.

Recommendations

20. The Panel is asked that:

- (a) The amendments to the Constitution agreed at the Panel meeting on 2 December 2021 relating to independent member allowances and the power of delegation to refer criminal complaints be confirmed;
- (b) The amendments to the Constitution relating to the change of host authority, as set out in paragraphs 14 and 16 above, be agreed.
- (c) Schedule 1 be amended to reflect the current membership.

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Appendices

Leicester, Leicestershire and Rutland Police and Crime Panel Constitution

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