

**SCRUTINY COMMISSION – 5 SEPTEMBER 2012**

**POLICE REFORM AND SOCIAL RESPONSIBILITY ACT**

**REPORT OF THE COUNTY SOLICITOR**

**Purpose of Report**

1. To advise the Commission of the arrangements for the operation and composition of the Police and Crime Panel to enable that Panel to be set up. Attached for members' information is a copy of the report agreed by the Cabinet on 23<sup>rd</sup> July which set out the arrangements for the operation and composition of the Police and Crime Panel.

**Background**

2. The Police Reform and Social Responsibility Act will introduce elected Police and Crime Commissioners and abolish Police Authorities. The first elections will take place on 15th November 2012.

**Police and Crime Commissioner**

3. The Commissioner will be elected for a four year term. The key roles identified for the Police and Crime Commissioner include:
  - (a) representing all those who live and work in the communities in their force area and identifying their policing needs;
  - (b) setting priorities that meet those needs by agreeing a local strategic plan for the force – the Police and Crime Plan;
  - (c) holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible;
  - (d) setting the force budget and setting the precept;
  - (e) hiring the Chief Constable, and if necessary, calling upon the Chief Constable to retire or resign;
  - (f) responsibility for the delivery of community safety and the ability to bring together Community Safety Partnerships at the force level;

- (g) the ability to make crime and disorder reduction grants within their force area.
4. The Commissioner must appoint a Chief Executive and a Chief Financial Officer and is able to appoint other officers.
  5. To date the following persons have indicated that they would be standing as candidates for the post of Police and Crime Commissioner:
    - Sarah Russell (Labour);
    - Sir Clive Loader (Conservative);
    - Suleman Nagdi (Independent);
    - David Bowley (Independent).

### **Police and Crime Panel**

6. Each police force area will also have a Police and Crime Panel (PCP), to maintain a regular check and balance on the performance of the Commissioner. The Panel will not be a replacement for the existing Police Authority - it will not scrutinise the Chief Constable - it will scrutinise the Commissioner's exercise of his/her statutory functions. The role of the Panel will be to:
  - (a) Review and make a report or recommendation on the draft police and crime plan;
  - (b) Review and make a report or recommendation on the draft precept;
  - (c) Hold public meetings to consider the annual report from the Police and Crime Commissioner;
  - (d) Review and scrutinise decisions, or other action taken, by the Police and Crime Commissioner in connection with the discharge of his functions including confirmation hearings for senior staff;
  - (e) Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities;
  - (f) Receive and record all complaints made against the PCC and investigate and promote informal resolution for complaints not of a criminal nature. Complaints of a criminal nature will be referred to the Independent Police Complaints Commissioner;
7. The County Council acts as the host authority for the Police and Crime Panel. The proposed composition of the Panel will be as follows:-
  - 7 Conservative Members drawn from ruling groups in Leicestershire County Council, Rutland County Council, Melton

Borough Council, Charnwood Borough Council, North West Leicestershire District Council, Blaby District Council and Harborough District Council.

- 4 Labour Members, all drawn from the City Council, including one mandatory and three co-opted members;
  - 2 Liberal Democrat Members, drawn from ruling groups in Hinckley and Bosworth Borough Council and Oadby and Wigston Borough Council.
8. The Panel will also include 2 co-opted independent members resulting in a Panel of 15 members.
9. The nominations received to date from the constituent authorities are as follows:-
- Leicestershire County Council – **Joe Orson**
  - Leicester City Council – **Sir Peter Soulsby**
  - Rutland Council – **Barrie Roper**
  - Blaby District Council – **Ernie White**
  - Charnwood Borough Council – **David Slater**
  - Harborough District Council – **Colin Golding**
  - Hinckley and Bosworth Borough Council – **David Bill**
  - Melton Borough Council – **Byron Rhodes**
  - North West Leicestershire District Council – **Trevor Pendleton**
  - Oadby & Wigston Borough Council – **John Boyce**
10. With regard to the co-opted independent members, a job description and person specification will be developed and posts advertised. It is for the Panel, once in place, to make the appointments.

### **Relationship between the Panel and Scrutiny bodies**

11. No change is proposed to the requirement within the Police and Justice Act 2006 for every local authority to have a crime and disorder committee with the power to review or scrutinise the discharge of crime and disorder functions. The Scrutiny Commission will continue to discharge this function.
12. Given that it is the Police and Crime Commissioner (PCC) who will hold the Chief Constable to account and that the Police and Crime Panel (PCP) will be responsible for scrutinising the PCC and his/her policing priorities and how these are delivered, the role of scrutiny within these new arrangements will need to be clarified. Work is currently underway to develop a protocol which will set out the working relationship between scrutiny and the PCP given their shared interest of scrutinising the delivery and effectiveness of measures aimed at

reducing crime and disorder and enhancing public safety. This protocol will be brought to the next meeting of the Commission.

### **Resources Implications**

13. The County Council was originally advised by the Home Office that £30,000 would be made available to support the work of the Police and Crime Panel. As this was generally regarded as insufficient, a growth bid was agreed by the County Council at its budget meeting on 22 February 2012 of £100,000 for the operation of the Police and Crime Panel. It is now understood that the Home Office is likely to make funding of £53,000 available. The agreed Panel arrangements enable the County Council, as host authority, to approach the constituent authorities for a contribution in the event that the cost of running the Panel exceeds the Home Office funding.

### **Recommendation**

14. The Scrutiny Commission is asked to:-
  - (a) Note the current position regarding the election of a Police and Crime Commissioner and the establishment of a Police and Crime Panel to scrutinise the PCC;
  - (b) Note that work is underway to develop a protocol which will inform the working relationship between the Commission, as the Crime and Disorder Scrutiny Committee, and the PCP.

### **Circulation under the Local Issues Alert Procedure**

15. None.

### **Officer to Contact**

David Morgan  
County Solicitor

Tel: 0116 305 6007  
Email: [david.morgan@leics.gov.uk](mailto:david.morgan@leics.gov.uk)

### **List of Appendices**

**Appendix – Cabinet Report 23 July 2012**