

LEICESTER LEICESTERSHIRE AND RUTLAND POLICE AND CRIME PANEL
- 17 MARCH 2014

QUESTIONS PROCEDURE

REPORT OF THE COUNTY SOLICITOR

Purpose

1. The purpose of this report is to seek the views of the Panel as to whether a questions procedure should be adopted at meetings of the Panel and to propose a way forward if the Panel considers that to be appropriate.

Introduction

2. There has been considerable press coverage recently, apparently intended to highlight the lack of procedures at Police and Crime Panels for allowing the public to ask questions. A copy of such coverage from the BBC News website is attached.
3. Enquiries made by independent consultants have revealed that there is a wide range of different practice in operation across the country and there are at least three options:-
 - (a) The public may ask questions of the Police and Crime Panel
 - (b) The public may ask questions of the Commissioner through the Police and Crime Panel
 - (c) The Police and Crime Panel may ask questions of the Commissioner.
4. For the purpose of this paper, it is assumed that the main interest of the members of the public will be policing, crime and disorder, rather than the work of the Panel in scrutinising the exercise of the PCC statutory functions. Only the latter two options are explored below.

Questions by the public to the Police and Crime Commissioner

5. The effect of media coverage such as that attached may be to give rise to an expectation that the Police and Crime Panel should allow questions to be put forward by members of the public to be answered by the Police and Crime Commissioner through the process of the Panel and to give the impression that in the absence of such procedure, there is a 'democratic deficit'. It is commonplace for local authority committees to allow questions from members of the public. But that is usually in relation to the decisions or policies of the authority itself, rather than a third party.
6. It is important to bear in mind the statutory framework. There is no requirement on the Panel to have such a procedure. The Commissioner does in any case have responsibility to engage with the public. The Police Protocol Order 2011 (PPO) , provides that the Commissioner "has the legal power and duty to... provide the local link between the police and

communities, working to translate the legitimate desires and aspirations of the public into action". The Panel has "the power to require the PCC to attend the Panel to answer questions" (PPO). The powers of the Panel as set out in the Order derive from the Police Reform and Social Responsibility Act 2011 itself : "A Police and Crime Panel may require the relevant Police and Crime Commissioner... to attend before the Panel (at reasonable notice) to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

7. The intention behind the legislation is for the Chief Constable to have operational responsibilities for the Police Force, the Commissioner to "hold the police to account on behalf of the public" (PPO) and for the Panel to "scrutinise the PCC's exercise of their statutory functions" (PPO); the composition of the Panel, as it is comprised of democratically elected and accountable individuals each representing an area, also means that members of the Panel have an obligation to their electorate to bring matters of concern to the attention of the relevant body.
8. For a member of the public who has concerns about a policing issue at a local level and simply wants it resolved, whatever the responsible body, this system of checks and balances may not seem to be a readily understandable process of resolving the problem which they perceive. Experience to date in handling complaints against the Commissioner for Leicester Leicestershire and Rutland does indicate that this is a real issue for members of the public. To set up a system which allows members of the public to raise questions before the Police and Crime Panel, only to be met with an answer which is along the lines of "your question may be important to you but you are asking it in the wrong place", is only likely to increase frustration and not put any of the public bodies in a good light.
9. What is proposed is, therefore, a system which allows members of the public to approach the secretariat to the Panel who may then direct the question to an appropriate place. This may mean the question being adopted by the Panel, to be asked of the Commissioner so as to engage the statutory provisions referred to above. The Commissioner would then be required to answer such a question before the Panel.
10. A draft procedure which encapsulates this process is attached.

Questions from Members of the Panel

11. The legal position on this issue is set out above. However, the legal provisions are in general term. Any procedure for allowing members to ask specific questions of the Police and Crime Commissioner would need to have regard to the difficult distinctions as set out above, particularly in the case of members of the public, in relation to strategic and operational issues.
12. To ensure consistency and to keep procedures as simple as possible, it is proposed that a single procedure be adopted for questions to be put at the Panel which will apply to both members of the Panel and the public. The attached draft procedure can be applied to both situations.

Next Steps

14. If the Panel considers this to be an appropriate way forward, then the draft procedure will need to be finalised. As a part of that process, the views of the Office of the Police and Crime Commissioner, particularly in regard to consultation and timescales, will be very important.

Recommendations

15. The Panel is asked to:-
- (a) Consider how far it wishes to adopt a practice of allowing members of the public to have the ability to raise questions through the Police and Crime Panel.
 - (b) If this is the view of the Panel, to agree that:-
 - (i) the County Solicitor be authorised to finalise a procedure for asking questions at the Panel, having regard to the views expressed by the Panel;
 - (ii) the County Solicitor be authorised to consult with the Office of the Police and Crime Commissioner on the practical operation of the proposed procedure;
 - (iii) the County Solicitor, as the Secretariat to the Panel, be authorised to receive questions from members of the public and decide whether these questions should be accepted by the Panel, in consultation with the Chair of the Panel as appropriate.
 - (iv) The procedure be implemented without the need for a further report to the Panel, subject to members of the Panel being so advised.

Officer to Contact

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