

## PART A

**Report to:** Cabinet  
**Date of meeting:** 18 June 2012  
**Report of:** Head of Legal and Property Services  
**Title:** Hertfordshire Police and Crime Panel

### 1.0 SUMMARY

- 1.1 To advise Cabinet of progress on establishment of the Hertfordshire Police and Crime Panel and recommend that:
- A The Cabinet agrees the proposed arrangements for the Hertfordshire Police and Crime Panel as a joint committee of the Local Authorities as defined in Section 28 of the Police Reform and Social Responsibility Act 2011.
  - B The Cabinet nominates the Mayor and one substitute to the panel.

### 2.0 RECOMMENDATIONS

- 2.1 It is recommended that:
- A The Cabinet note the progress to date on establishment of the Hertfordshire Police and Crime Panel
  - B Subject to any amendments required by law and other minor amendments the Cabinet agrees the draft arrangements for the Hertfordshire Police and Crime Panel as a joint committee of the Hertfordshire Local Authorities and delegates final approval to the Head of Legal and Property Services in consultation with the Mayor
  - C The Cabinet appoints the Mayor and one substitute to the panel.

**Contact Officer:**

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**Report approved by:** Managing Director

## 3.0 DETAILED PROPOSAL

### 3.1 Background

- 2 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (commissioners).
- 3 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.
- 4 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.
- 5 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."
- 6 The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
  - the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
  - the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
  - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
  - the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;
  - the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
  - the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
  - the power to require the commissioner to attend the panel to answer questions;
  - 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

- responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

- 7 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, the Home Office require to be notified by 1 July of the arrangements agreed by the authorities and the nominations to the panel so that the Home Secretary can use her reserve powers if necessary.

### **Developing the panel arrangements**

- 8 Heads of Legal Services from the eleven local authorities in Hertfordshire have been overseeing the development of the arrangements for the Hertfordshire Police and Crime Panel.
- 9 It is proposed that the eleven local authorities each agree the panel arrangements, establishing the panel as a joint committee, and appoint their member of the panel before the end of June 2012. This will allow time for the panel to appoint co-opted independent members before the commissioner is elected; 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 itself. The Commissioner will be elected by supplemental vote with the Broxbourne Chief Executive as Returning Officer.
- 10 The draft panel arrangements (appendix 1) have been prepared in consultation with officers of the eleven local authorities. Unfortunately the Home Office has not completed subordinate legislation that may impact upon the arrangements. In addition, further work is required to complete the financial arrangements between the authorities.

### **Panel membership**

- 11 In Hertfordshire, the panel will consist of eleven councillors one from each of the local authorities and two independent members (not councillors) co-opted by the panel. As Watford has an elected mayor, she will automatically be nominated to be a member instead of a councillor. All thirteen members will have equal voting rights. When co-opting the 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.
- 12 It is proposed that the host local 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). It is also proposed that the eleven 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 13 members would increase costs and reduce its effectiveness. Any additional co-options would require the approval of the Home Secretary.

### **Support for the Panel**

- 13 It has been agreed by Leaders that Broxbourne Council will be the host local authority for the panel and, within the overall budget agreed annually by the eleven local authorities, will support the panel and its members. This support will be led by a lead officer from the host authority supplemented as required by additional specialist officers (e.g. finance officers when advising the panel on the commissioner's proposed budget and precept, legal officers when advising the panel on dealing with any complaints against the commissioner).
- 14 It is proposed that the costs of the panel, including support for the panel, will be contained within the grant to be provided by the Home Secretary to the host local authority. The annual grant will be £53,330 for scrutiny and meeting costs plus £920 towards expenses per panel member, subject to review by the Home Secretary in future. The LGA has lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the grant is not guaranteed beyond the first year and a half and the Act requires that panel arrangements make provision about how the local authorities are to share the costs of the panel. It is proposed that from December 2013 the Panel will agree its budget and will work within the budget given by the Home Office if this is not sufficient due to changes in funding or it ceasing to be funded the budget will be sent to the Hertfordshire Leaders Meeting for them to agree.
- 15 The Home Office is not funding the payment of allowances, only travel expenses and it is for each authority to determine whether to pay an allowance and if so what allowance should be paid to its representative on the panel. Watford has not allocated any additional budget towards any allowance for this, and it is not recommended that any allowance be paid.
- 16 The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the local authorities in relation to the functions of the panel. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the local authorities before the commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year. The Police Authority will be providing a core briefing pack for candidates and each Authority will be expected to respond to requests for additional briefing.
- 17 As currently set out in the Act it appears the panel arrangements and appointments are an executive function, but the Home Office has indicated the yet to be made Regulations may apply or dis-apply certain local government legislation making this a council function.

## 4.0 IMPLICATIONS

### 4.1 Financial

4.1.1 The Head of Strategic Finance comments that the initial intention is that this Panel should be self financing from Home Office grant and there would therefore be no effect upon council budgets..

### 4.2 Legal Issues (Monitoring Officer)

4.2.1 The Head of Legal and Property Services comments that the legal implications are contained within the body of the report

### 4.3 Equalities

This report implements Government legislation.

### 4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Not all authorities agree to sign up to the joint committee	1	4	4
Agreement cannot be reached on the financial arrangements	2	3	6

### 4.5 Staffing

4.5.1 Broxbourne are the Host Authority. Democratic services will be involved in circulating and publishing agenda and minutes which can be accommodated within existing workloads

### 4.6 Accommodation

4.6.1 N/A

### 4.7 Community Safety

4.7.1 The report contains details of the role of the Joint Committee in this regard

### 4.8 Sustainability

4.8.1 N/A

## Appendices

Appendix 1 – proposed arrangements for the Hertfordshire Police and Crime Panel

## Background Papers

"No papers were used in the preparation of this report".

## File Reference

None