

POLICE AND CRIME PANEL

Meeting to be held on 31st July 2012

MEMBERSHIP/TERMS OF REFERENCE FOR THE POLICE AND CRIME PANEL AND THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE PANEL.

(Appendix 'A' refers)

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Executive Summary

This report sets out the membership and Terms of Reference of the Police and Crime Panel for Lancashire.

Recommendation

The Panel is asked to

- a) note the membership and Terms of Reference as set out in the report.
- b) adopt the panel arrangements and the procedure rules as set out in Appendix 'A', and
- c) agree the appointment of the three proposed additional members of the Panel as set out in the report, subject to the approval of the Secretary of State,
- d) agree that the County Council's Standing Orders, where they relate to the operation of and proceedings for Committees, be adopted by the Panel as the default Standing Orders for the Panel.

Background and Advice

The Police Reform and Social Responsibility Act 2011 introduced major changes to the governance arrangements for Police Force areas and specifically provided for the election of Police and Crime Commissioners (PCC) and the establishment of Police and Crime Panels, to hold PCCs to account. A Panel must be established as a formal joint Committee of each local authority within the force area. The Panel's primary purpose will be to scrutinise the PCC and to operate as a critical friend offering challenge and support to the PCC.

Elections for PCCs will be held on the 15th November and the Police and Crime Commissioner for Lancashire will take up office at midnight on the 21 November 2012. PCPs have to be established by July 2012 to enable them to commence their duties in preparation for the election of a PCC in November.

A detailed report was submitted to all 15 Lancashire Authorities at their respective Annual General meetings in May in relation to the following:

- Approval to the establishment of a PCC for Lancashire, the appointment of members to the PCP in accordance with the balanced appointment objective and political balance requirements
- Approval to the proposed Terms of Reference; Panel arrangements and Procedural Rules
- The appointment of Lancashire County Council as Lead Authority to the PCP and Ian Fisher, County secretary and Solicitor as Secretary to the panel.

A copy of the report is set out at Appendix 'A'. All local authorities approved the recommendations in the report and made individual appointments to the Panel as set out below.

Membership of the Panel

As required by the Act, a Police and Crime Panel has now been established for Lancashire on the basis of a joint committee comprising 1 councillor from each local authority within the Lancashire Police area with 2 co-opted independent members and, subject to approval by the Secretary of State, up to 3 additional co-opted members.

The legislation provides that a 'balanced appointment objective' must be met (as far as is reasonably practicable) in establishing the Panel which means that when taken together the members of the Panel represent the political make up of all of the relevant local authorities for the police area. The Panel must also have the skills, knowledge and experience necessary for it to discharge its functions effectively.

It is made clear in legislation that the Local Authorities combined must 'agree' to the balance of the Panel and the Home Office has powers to intervene and make appointments if agreement cannot be reached locally but has made it clear that the best Panel arrangements are those which are locally determined.

Each local authority in the Lancashire Police area has been consulted on the proposed establishment of the Police and Crime Panel as outlined above and the following representatives have been appointed to serve on the Panel.

Name	Local Authority
County Councillor G Driver	Lancashire County Council
Councillor K Hollern	Blackburn with Darwen Council
Councillor S Blackburn	Blackpool Council
Councillor J Cooper Councillor N Mottershead*	Burnley Borough Council
Councillor A Bradley	Chorley Borough Council
Councillor D Eaves Councillor L Oades*	Fylde Borough Council

Councillor P Barton	Hyndburn Borough Council
Councillor D Smith Councillor M Thomas*	Lancaster City Council
Councillor M Foxley	Pendle Borough Council
Councillor P Rankin	Preston City Council
Councillor M Ranson	Ribble Valley Borough Council
Councillor A Barnes	Rossendale Borough Council
Councillor M Smith	South Ribble Borough Council
Councillor I Grant	West Lancashire Borough Council
Councillor P Gibson	Wyre Borough Council

* indicates the three additional co-opted members who, subject to appointment by the Panel and agreement of the Secretary of State, have also been nominated to serve on the Panel. All elected members appointed to the Panel will have equal voting rights and will serve a term of 12 months. The Panel is asked to formally appoint the additional 3 co-opted elected members. It is a requirement that this approval must be unanimous.

A further two independent co-opted persons have also to be appointed to serve on the Panel and a report regarding the proposed arrangements is included elsewhere on the agenda.

The Panel Arrangements at 2.5 provide that each Council may send substitute members to Panel meetings, who will be permitted to act with full voting rights. The substitute members must be from the same party as the appointed member, or be an Independent Councillor if substituting for an Independent Councillor.

Terms of Reference

The Terms of Reference of the Panel as agreed by all constituent local authorities on the Panel are set out below.

In accordance with the agreed Terms of Reference the Police and Crime Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

1. To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
2. To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
3. To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Executive, Chief Finance Officer, and Deputy Police and Crime Commissioner.

4. To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
5. To review and make a report and recommendation (as necessary) on the proposed precept.
6. To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
7. To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
8. To support the effective exercise of the Commissioner's functions.
9. To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
10. To appoint, if necessary, an Acting Police and Crime Commissioner.
11. To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years

Panel Arrangements and Rules of Procedure

Details of the Panel Arrangements and Rules of Procedure are set out in Appendices 'B' and 'C' to the report to Councils which is attached as an appendix to this report. These documents are based on legislation, guidance and regulations currently available, although as some regulations and guidance are still awaited the documents may have to be adjusted later in the year.

Allowances

The Home Office is to make available up to £920 per member, including the co-opted Independent Persons, on an annual basis to meet their expenses in serving on the Panel. It is proposed that this amount, per year, will be made available to members of the Panel, subject to Home Office approval. No other funding is available to meet expenses.

Code of Conduct

Each local authority member appointed to the Panel, or any substitute serving on the Panel will have to abide by the provisions of their respective Council's Code of Conduct for Members when serving on the Panel.

Standing Orders

Whilst the approved Panel Arrangements and Crime and Procedure Rules, as set out in Appendix "A", are based on legislation it is considered that as the Panel will operate as a formal joint committee it will require additional standing orders to operate effectively as a Committee. It is suggested that as Lancashire is the host authority, and to avoid a requirement to draw up new standing orders, that the County Council's Standing Orders where they relate to the operation of and proceedings for Committees, be adopted by the Panel as the default standing orders for the Panel.

The County Council's procedural standing orders are attached at Appendix 'B' to this report.

Consultations

The County Council, two Unitary Authorities and twelve District Councils in the Lancashire Police Force area have been consulted on the arrangements for the Police and Crime Panel and have also nominated representatives to serve on the Panel as set out in the table above.

Implications:

This item has the following implications, as indicated:

Risk management

The requirement for an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
Full Council agenda and proceedings http://council.lancashire.gov.uk/eListDocuments.aspx?CId=138&MId=507&Ver=4	24 th May 2012	M Neville, Office of the Chief executive 01772 533431
Responses from Unitary and District Councils	May 2012	M Neville, Office of the Chief executive 01772 533431
Reason for inclusion in Part II, if appropriate		
N/A		