

**Meeting of the Full Council
Meeting to be held on 24 May 2012**

Report submitted by the Chief Executive

Part A

Electoral Division affected:
All

**Lancashire Police and Crime Panel
Establishment: Panel Arrangements, Terms of Reference and Rules of
Procedure**

(Appendices A, B and C refer)

Contact for further information:

Roy Jones 01772) 533619, Democratic Services, Office of the Chief Executive

Roy.jones@lancashire.gov.uk

Executive Summary

The establishment of a Police and Crime Panel for Lancashire.

Recommendation

Full Council is asked to:

- i. agree to the establishment of a Police and Crime Panel for Lancashire as a formal Joint Committee of the 15 local authorities for the Lancashire Police force area, on the basis as set out in this report;
- ii. appoint a member to the Police and Crime Panel for 2012/13, on the basis as set out in this report;
- iii. agree to the arrangements, procedural rules and the terms of reference of the Panel as set out in this report;
- iv. agree that the Panel seeks approval from the Home Secretary to the appointment of up to three additional co-opted members who may or may not be councillors, in order, as far as is reasonably practicable, to be able to meet the balanced appointment objective;
- v. agree to the appointment of Lancashire County Council as Lead Authority to the PCP and to the appointment of Ian Fisher, County Secretary and Solicitor as Secretary to the Panel.

Background

The Police Reform and Social Responsibility Act 2011 introduces for each force area:

- Police and Crime Commissioners (PCC), and
- Police and Crime Panels (PCP)

For Lancashire the Police Force Area includes Lancashire County Council, the 12 District Councils and the two Unitary Councils.

Directly elected PCCs will replace Local Police Authorities, and will have wide ranging powers and responsibilities, including:

- hold Police forces and Chief Constables (CC) to account.
- appoint the Chief Constable
- set local police and crime priorities
- sole responsibility for disbursing community safety funding from the Home Office
- decide how the Council tax is spent on crime and policing issues
- set the Council tax precept

PCCs will be elected every 4 years and will be required to publish a Police and Crime Plan which will set out the Police and Crime Objectives for the force area. Chief Constables (CC) will remain responsible for operational matters.

PCPs will be established to hold to account the PCCs. The PCP will be a formal joint committee of all the local authorities in the force area, and its main responsibilities will be:

- making recommendations on the PCCs Police and Crime Plan and Annual Reports
- consider the PCCs appointment of a CC. The Panel will have power of veto over the appointment
- consider the level of precept to be set by the PCC, again the PCP will have a power of veto
- review certain senior appointments by the PCC
- scrutinise and support the activities of the PCC

Timetable for Implementation

Elections for a PCC will be held on the 15 November 2012 and he/she will take up office at midnight on the 21 November.

A PCP must be established by July 2012, and will take up its full duties in October 2012 in readiness for the election of the PCC in November.

Make-up of the PCP

For Lancashire, the Panel must initially be made up of a total of 15 elected members, one from each Authority, and two independent co-opted members. Once the Panel is established it can request up to an additional 3 co-opted members who may or may not be elected members, subject to Home Secretary approval.

The Legislation provides that a 'balanced appointment objective' must be met (as far as is reasonably practicable) in establishing the Panel. The balanced appointment objective is that the members of the panel, when taken together, represent the political make up and represent all parts 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. 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.

The provisions in legislation and options available for applying a political balance to the Panel have been carefully considered recognising that Lancashire is a complex landscape of authorities. Following legal advice, and advice issued by the Home Office, it has been agreed that the political balance for the PCP should be applied based on a calculation of current political balances across the whole membership of authorities, including the Independent members grouped together as a whole. The following balance of the Panel has been calculated to reflect the political make up of the 15 pan-Lancashire Authorities when taken together following the elections on the 3 May 2012.

Conservative	7	Labour	6	Lib Dem	1	Independent Members	1
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Once established the Panel can decide to seek the approval of the Home Secretary to co-opt up to 3 other members. The purpose of this may allow for further elected members to be appointed to the Panel to achieve the following possible balances. This could assist where an authority could not in the first instance appoint a member of its choice:

16 Elected Members:

Conservative	7	Labour	7	Lib Dem	1	Independent Members	1
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17 Elected Members:

Conservative	8	Labour	7	Lib Dem	1	Independent Members	1
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18 Elected Members:

Conservative	8	Labour	8	Lib Dem	1	Independent Members	1
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Agreement has been reached between Lancashire Chief Executives to appoint members on the above basis (ie 15 councillors, 2 co-opted independent members and, subject to approval by the Secretary of State, up to 3 additional co-opted members who may or may not be councillors) and each Local Authority in Lancashire is asked to agree to the establishment of the Panel as a formal Joint Committee, and to appoint one member to the Panel.

Terms of Reference, Arrangements and Roles and Responsibilities

Local Authorities are also asked to agree the Terms of Reference, Arrangements, and Roles and Responsibilities of the Panel, which are prescribed in legislation and can be supplemented for local operational needs.

Attached are: Appendix 'A' - draft of the terms of reference; Appendix 'B' - draft panel arrangements; and Appendix 'C' - draft rules of procedure, for approval by your Council. The documents are based on legislation, guidance and regulations currently available, although some regulations and guidance are still awaited, and the documents may have to be adjusted later in the year.

Frequency of PCP meetings

It is expected that that PCPs will meet at least four times per year to undertake its statutory functions. The PCP can determine its own meetings cycle and appoint any sub-committees or task groups. It is intended that each year the Panel will be appointed for a 12 month period, and appointments confirmed at each respective Annual Meeting in May, to enable any annual adjustment to the balance of the Panel arising from Council elections in May.

It is intended that the first meeting of the Panel will be arranged for a date in July 2012, to be held at County Hall, Preston.

Lead Authority

A lead Authority must be appointed following agreement by the combined local Authorities. So far Lancashire County Council has been acting as lead authority to date and it is recommended that Lancashire County Council be appointed as Lead Authority for the administration and support to the PCP, and that Ian Fisher, County Secretary and Solicitor be appointed as Secretary to the Panel. Home Office funding will be made available towards the costs of supporting the Panel.

Appointment of Independent members

Two independent co-opted persons have to be appointed by the Panel. The co-opted independent members must be appointed in accordance with the balanced appointment objective outlined above in terms of representing all parts of the relevant local authorities and having the appropriate knowledge and skills necessary.

The Panel will be asked to agree a recruitment exercise and criteria for the appointment of two independent members to the Panel, including an appointments body made up of members of the panel with a view to the Panel making the appointment of the two co-opted members.

Allowances

The Home Secretary has indicated that members sitting on PCPs will be entitled to an annual allowance of £920.

Decisions Required

Full Council is asked to:

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- ii. appoint a member to the Police and Crime Panel for 2012/13, on the basis as set out in this report;
- iii. agree to the arrangements, procedural rules and the terms of reference of the Panel as set out in this report;
- iv. agree that the Panel seeks approval from the Secretary of State to the appointment of up to three additional co-opted members who may or may not be councillors, in order, as far as is reasonably practicable, to be able to meet the balanced appointment objective;
- v. agree to the appointment of Lancashire County Council as Lead Authority to the PCP and to the appointment of Ian Fisher, County Secretary and Solicitor as Secretary to the Panel.