

## **Report to Council**

**Subject:** Nottinghamshire Police and Crime Panel

**Date:** 11 July 2012

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### **1. Purpose of the Report**

To seek approval of arrangements to enable the establishment of a Police and Crime Panel for the Nottinghamshire Force area (the Panel) and appropriate representation of Gedling Borough Council on the Panel.

### **2. Background**

The Police Reform and Social Responsibility Act (the Act) makes provision for Police Authorities to be replaced by Police and Crime Commissioners; elections are scheduled for 15 November 2012.

Commissioners will be responsible for appointing chief constables and holding them to account, setting police and crime plans and determining local policing priorities, setting budgets for police forces, and making community safety grants.

The Act requires police and crime panels to be established as joint committees to oversee the work of Commissioners. In the Nottinghamshire Force area this means that a panel needs to be established incorporating representatives of the County, City, Borough and District Councils. The Panel must be established by the time commissioners take office, but it is recommended that shadow arrangements are put in place as soon as is practical in order to enable The Panel to make necessary arrangements.

The Panel will be responsible for scrutinising the Commissioner, promoting openness in police business and supporting the Commissioner in the exercise of their functions. As such it is not a replacement for the Police Authority, the role of which will be undertaken by the Commissioner.

The Act requires the functions and procedural rules for the operation of panels to be set out in 'panel arrangements' and 'rules of procedure'. The panel arrangements must be determined by local authorities collectively; rules of procedure are for the Panel to approve once established.

### **3. Proposal**

Nottinghamshire Leaders' Group has developed the draft panel arrangements attached to this report at Appendix A. It is proposed that Council formally approves the draft arrangements.

It should be noted that the panel arrangements appoint the County Council as Host Authority; the Council will be responsible for maintaining the Panel and arranging administrative, secretarial and professional support as necessary.

The Act stipulates that Police and Crime Panels must represent all parts of the relevant area, be politically balanced, and have a membership that has the necessary skills, knowledge and experience. The Act requires that panels for multi-authority areas with 10 local authorities or less must have 10 elected councillor members; 1 for each local authority represented and the necessary additional number to reach the figure of 10.

Therefore the Nottinghamshire Force area must have 10 elected members on its Panel; 1 for each authority plus 1 additional appointment.

If authorities fail to approve arrangements for the Panel and to appoint members, the Act allows for the Secretary of State to impose arrangements.

### **4. Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Police Reform and Social Responsibility Act 2011 is published (<http://www.legislation.gov.uk/ukpga/2011/13/section/3/enacted>)
- The Local Government Association has published guidance on Police and Crime Commissioners and Panels (<http://www.local.gov.uk/pcc>)

### **5. Recommendation**

- 1) To approve the arrangements for the Police and Crime Panel as set out in the report

- 2) To confirm the appointment of Councillor WJ Clarke as the Council's representative on the Panel (Councillor Clarke having been previously appointed at Annual Council)
- 3) To seek a recommendation from the Remuneration Panel as to whether the Council's representative on the Panel should receive a Special Responsibility Allowance and, if so, the amount of that allowance (as Chair of the Panel or an ordinary member)

## **APPENDIX A DRAFT PANEL ARRANGEMENTS**

### **Background**

1. Each local authority and each member of the Police and Crime Panel (the Panel) must comply with the Panel Arrangements.
2. The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the Police and Crime Commissioner (the Commissioner) for Nottinghamshire.

### **Functions of the Police and Crime Panel**

The terms of reference of the Panel are as follows: -

3. To review and submit a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner.
4. To review the annual report and put questions regarding the report to the Police and Crime Commissioner at a public meeting, and submit a report or recommendation as necessary.
5. To hold a confirmation hearing and review, submit a report, and recommendation as necessary in respect of proposed senior appointments made by the Police and Crime Commissioner (Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner).
6. To review and submit a report and recommendation as necessary on the proposed precept.
7. To review or scrutinise decisions made or other action taken by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
8. To submit reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.
9. To support the effective exercise of the functions of the Police and Crime Commissioner.
10. To fulfil functions in relation to complaints in accordance with the Panel's responsibilities under the Police Reform and Social Responsibility Act 2011 (the Act).

11. To appoint an Acting Police and Crime Commissioner if necessary.
12. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence.
13. To exercise any other functions delegated to police and crime panels under the Police Reform and Social Responsibility Act 2011 as required.

### **Operating Arrangements**

14. The Panel is a joint committee of the county, city, borough and district councils in Nottinghamshire.
15. Nottinghamshire County Council will be the Host Authority in establishing and maintaining the Panel and will arrange the administrative, secretarial and professional support necessary to enable the Panel to fulfil its functions.
16. The Panel will be comprised of 10 councillors and a minimum of two co-opted independent members. Councillor membership can be increased by co-opting additional members with the unanimous agreement of the Panel, and any proposal for an increase in membership would be subject to the approval of the Secretary of State.
17. All Members of the Panel may vote in proceedings.
18. The local authorities will co-operate to provide the Panel with additional officer support for research, training and development, or where particular expertise would be of assistance.
19. The local authorities will co-operate to ensure that the role of the Panel is promoted internally and externally and that members and officers involved in the work of the Panel are given support and guidance in relation to the Panel's functions.
20. The Panel must have regard to the Policing Protocol issued by the Home Secretary in carrying out its functions.

### **Financial Arrangements**

21. The funding provided by the Home Office to support the work of the Panel will be received by the County Council as Host Authority. The Panel will seek to operate within the limit of the Home Office funding.
22. The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will be allocated the appropriate sum and will pay the expenses of its own representatives.

23. Each authority has discretion to pay its representatives an allowance including any special responsibility allowance if they are appointed Chairman or Vice Chairman.

#### **Membership – Appointed Members**

24. Appointment of elected members to the Panel will be made by each local authority at its annual meeting or as soon as possible afterwards, in accordance with its procedures. Appointments will be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable, i.e. to:-
- a. represent all parts of the police area;
  - b. represent the political make-up of the relevant authorities and the Police Force area overall
  - c. have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively
25. The Panel’s membership will be one councillor appointed by each authority plus one additional councillor appointed by Nottingham City Council.
26. It is for each council to decide whether to appoint executive or non executive members (if applicable), however where there is an executive mayor they must be nominated as an authority’s representative (although they are not under a duty to accept the nomination).
27. The Panel will review at its annual meeting whether or not the balanced appointment objective is being met and if it concludes that it is not, the Panel will determine what action is needed to meet the objective.

#### **Membership – Co-opted Members**

28. The Panel will co-opt two independent members in accordance with the eligibility criteria set out in the Act.
29. The Panel will invite nominations and will make arrangements for appointment.
30. Independent members will be appointed for a term of 2 years. There will be no restriction on the overall time period that an independent member can serve on the Panel.

#### **Conduct of Panel Members**

31. Members appointed by authorities will be subject to their own authority’s code of conduct. Independent co-optees will be subject to the Host Local Authority’s code of conduct.

## **Vacancies**

32. Each council will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process agreed by the Panel.

## **Resignation of Members**

33. Members of the Panel who wish to resign should do so in writing to their appointing council (as applicable) who will in turn notify the Host Local Authority as soon as possible

## **Removal of Appointed Members**

34. Each local authority will have the right to change its appointed member at any time but must give notice to the Host Local Authority and ensure that replacement does not affect the political balance requirement.

## **Removal of Independent Members**

35. An independent member may only be removed from office if an appointed member has given notice to the Host Local Authority at least 10 working days prior to a meeting of the Panel, of their intention to propose a motion that an independent member's co-option be terminated. At the subsequent meeting, termination will only be confirmed if at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of termination.

## **Amendments to Panel Arrangements**

36. Changes to the Panel Arrangements can only be made with the unanimous approval of all the local authorities in the Nottinghamshire Force area. The only exception to this requirement is that the Panel can decide to increase the number of co-opted members, subject to Secretary of State approval. Any councillor co-options also require the agreement of all the members of the Panel.

## **Promotion of the Panel**

37. The Panel Arrangements will be promoted by:
  - a. The establishment and maintenance by the Host Local Authority of a webpage
  - b. All the local authorities including information about the Panel on their websites
  - c. Appropriate support and guidance will be provided to members and officers of the local authorities in relation to the functions of the Panel.