

**Police and Crime Commissioner and the Police and Crime Panel**

**SUMMARY**

- 1.1 The Police Reform and Social Responsibility Act has now been passed through Parliament and the Government has committed to holding the first elections for the new Police and Crime Commissioners in November 2012.
- 1.2 The introduction of Police and Crime Commissioners (PCCs) will have a considerable impact on local authorities. There is a mutual duty on PCCs and Community Safety Partnerships (CSPs) to co-operate and to have regard to each others priorities when drawing up strategic plans. Funding which has previously been given to CSPs by the Home Office will be given to the PCC to commission services.
- 1.3 Councillors will also play a vital role in holding the PCC to account. Each council in a force area will appoint a councillor to serve on the Police and Crime Panel (PCP). The original legislation did not include PCPs, but they were introduced following an amendment and Government concession. The PCP's role will be to scrutinise PCCs decisions and actions. Panels will have the power to veto PCCs precepts and nominees for Chief Constable, summon the PCC to answer questions, monitor performance and review police and crime plans. The PCP will also have the power to suspend the PCC if he or she is charged with an offence that carries a maximum prison term of more than two years.
- 1.4 A PCP will have to be established in each force area. Each council in the force area will appoint a councillor onto the panel, with the panel having a minimum of 10 councillors and 2 co-opted members. A panel may co-opt additional members including councillors provided it does not exceed 20 members.
- 1.5 It is envisaged that one of the councils in the force area will take a lead role. In an area where the force is not coterminous with a single county, the largest county, or largest unitary (whether by population or geographic size) would lead. Councils will need to make arrangements as to how the PCP is supported and how this support is paid for, what allowances are paid, terms of office and what level of support and guidance is required and provided to members.
- 1.6 The objective is for the members of the panel to represent all parts of the force area, represent the political make up of all the councils and to have the requisite skills, knowledge and experience for the panel to function effectively. In the original legislation the PCPs were seen as 'light touch' accountability. In its revised guise, it is effectively another formal layer in the accountability process and part reflects the

current role and responsibilities of the Police Authority.

- 1.7 The Home Office indicate that there will be £36k funded centrally to the lead authority to meet the scrutiny function of the panel as set out in the legislative requirements. The Home Office also indicate that each member of the panel will receive £920 per annum expenses (there is no member allowance) up to the first 12 members and costs of up to £2,000 for panel meetings will be met (room hire etc). It is not, however, absolutely clear if these will all be funded centrally – the only clarity so far is that the £36k is available for the lead authority. The full financial implications of the set up and ongoing costs for the PCP is still unclear, however, the estimated £250k cost of running the panels (based on a report by Lancashire Police Authority) is likely to require negotiation between the respective councils in the force area (county).
- 1.8 The legislation allows for each of the Local Authorities to use their own budgets to resource the panels as they see fit (paragraph 11(2) (a) of schedule 6 of the Act). This would include expenses for additional membership agreed by the panel and also other costs the panel may incur (for example if they chose to exert their powers to hold a referendum on the precept set by the P&CC – which could incur considerable costs).
- 1.9 The City Council needs to take a view whether they wish to propose that they become the lead Authority, subject to further detailed work on the cost implications and risk.

## **RECOMMENDATION**

- 2.1 The City Council carries out further detailed work on the cost implications
- 2.2 To give a steer on whether Derby City Council should take the lead role in administering the Police and Crime Panel.

## **REASONS FOR RECOMMENDATION**

- 3.1 Each local authority in the force area has to appoint members to the panel and one of them take a lead role in the development and delivery of the PCP. The City Council has a track record of effective and successful partnership working and Scrutiny. There is potential for the City to raise its profile across the force area and increase its influence and role in policing, crime and community safety – particularly given the volume of Crime in the City contrasted with the Districts. All the above, however, needs to be subject to further detailed discussions and clarification around financial contributions and expectations and detailed risk assessments.

## **SUPPORTING INFORMATION**

4.1 There are a number of potential advantages and disadvantages in the Council taking a lead role in PCPs. They are identified below.

4.2 Advantages:

- The profile of Derby City Council would be raised regionally and nationally as a leading and aspiring organisation.
- Leading and hosting the PCP provides an opportunity for the city to increase its influence and role in policing and crime strategy, to potentially benefit the city in terms of policing and community safety priorities.
- City crime and policing issues could potentially be better reflected in force wide strategy and plans as the majority of volume and serious crime occurs in the city.
- The City already has a track record of effective Scrutiny arrangements across a wide range of functions and partnerships.
- The City has already been engaged in discussions with the Police Authority to begin to develop the transitions board and programme.
- There has been a significant amount of city/county collaboration, involving elected members and various partner agencies, in the development of the strategic intelligence assessment, joint planning and establishing consistent procedures and policies so there are strong foundations to build on.

4.3 Disadvantages/Risks:

- The role, function and responsibilities of the PCP have increased significantly.
- There is not currently, or likely to be any detailed guidance. It is therefore difficult to fully assess the level of resources required to facilitate and manage the PCP.
- To agree lead, functions, workload and support needed will require extensive negotiations with the other nine local authorities in the county.
- There is no existing framework across the county to enable this collaboration and negotiation to take place.
- There is still lack of clarity about funding and resources for the panels – this needs much more detailed analysis and discussions with the County Council and Districts. Only £36k is being made available to the lead council.
- Initial estimates put the likely costs of running the panels at around £250k, based on a report by the Lancashire Police Authority. This would require the lead council to negotiate with the other nine in the county for re-charges to cover total costs.
- The new veto powers will increase the responsibility and powers of the PCP and create the need for resources in scrutiny, evaluation, research and analysis, if the PCP is to fulfil its role effectively. There could also be costs to carry out referendum and re bills.
- New resource pressures cannot be absorbed into current scrutiny arrangements as this will be a new joint panel. The Council will presumably wish to continue local community safety and crime scrutiny arrangements.
- PCP meetings will be held in public, creating further resource implications in public accountability.
- Should no ‘one’ council in the force area agree to lead on PCPs, the Home Office will make a direction. Given that our current scrutiny arrangements are as well developed as any in the county, the role could be imposed on us.
- Derbyshire County Council has not yet indicated if it will actively seek the role.
- There is a risk that the city will not be effectively represented if the city does not lead on the PCPs.
- There is potential reputational risk involved in the development and negotiations required in the PCPs.

**OTHER OPTIONS CONSIDERED**

5.1 Further discussions will be held with the County Council and District Council’s to determine whether any other council is prepared to take on this role. Should there be disagreement, the Secretary of State has the power to intervene and direct a Local Authority to take the lead in establishing the panel or to direct an Authority to be involved. It is likely that if this was the case, the City Council would be directed to take the lead.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Roger Kershaw
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**For more information contact:**  
**Background papers:**  
**List of appendices:**

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None  
Appendix 1 – Implications

## **Appendix 1**

### **IMPLICATIONS**

#### **Financial and Value for Money**

- 1.1 As outlined in the report there are potential significant resource implications

#### **Legal**

- 2.1 It is a statutory responsibility for councils to establish a PCP

#### **Personnel**

- 3.1 It is unlikely that the PCP could be supported from existing resources within Democratic Services.

#### **Equalities Impact**

- 4.1 None

#### **Health and Safety**

- 5.1 None

#### **Environmental Sustainability**

- 6.1 None

#### **Asset Management**

- 7.1 None

#### **Risk Management**

- 8.1 None

## **Corporate objectives and priorities for change**

9.1 Being Safe and feeling safe.