

TELFORD & WREKIN COUNCIL

**CABINET – 26 April 2012
SCRUTINY MANAGEMENT BOARD – 14 May 2012**

**POLICE & CRIME COMMISSIONERS AND WEST MERCIA POLICE &
CRIME PANEL**

**ASSISTANT DIRECTOR; FAMILY & COHESION SERVICES AND
ASSISTANT DIRECTOR; LAW, DEMOCRACY AND PUBLIC PROTECTION**

PART A – SUMMARY REPORT

1.0 SUMMARY

- 1.1** Police and Crime Commissioner (PCCs) elections are now scheduled for 15th November 2012. The PCCs will replace Police Authorities in England and Wales.
- 1.2** PCCs will have an impact on local authorities, Youth Offending service (YOS) and community safety partnerships (CSPs), PCCs and CSPs will have a mutual duty to co-operate and have regard for each other's priorities particularly when the police and crime plan and strategic assessments are being completed.
- 1.3** PCCs will be held to account by Police and Crime Panels (PCP). These panels will be composed of locally elected Councillors along with some lay members. Telford & Wrekin are within the West Mercia area, containing Herefordshire, Shropshire, Worcestershire County Council and the 6 Worcestershire District Councils.
- 1.4** The PCP role will be to scrutinise the actions and decisions taken by PCCs. The PCP will support and challenge the PCC in the exercise of their function, acting as a critical friend. PCPs will not replace Police Authorities and therefore will not have a role in scrutinising the performance of the force.
- 1.5** PCPs will be established in shadow form by the end of June/early July 2012, allowing Councils with local elections to make the necessary appointments to the Panel. The suggested model for West Mercia PCP contains 15 elected Members and 2 lay members, this model has been agreed by the other councils within the West Mercia PCP. Cabinet will need to approve 2 Members to represent the Council on the West Mercia PCP.

2.0 RECOMMENDATIONS

- 2.1** That Cabinet note the role of Police Commissioners from November 2012 and the impact on Community Safety Grant and funding for the Drugs Intervention Programme.
- 2.2** That Cabinet note the introduction of Police Crime Panels in shadow format from June/July 2012
- 2.3** That nominations be sought from Cabinet for 2 councillors to represent the Council on the West Mercia Crime Panel

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<i>Community Protection and Cohesion</i>
	Will the proposals impact on specific groups of people?	
	Yes	Victims of crime and those at risk of offending or reoffending.
TARGET COMPLETION/DELIVERY DATE	Police Crime Commissioners elected in mid November 2012 Police Crime Panel will operate in shadow format from July 2012	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial impact on current Council funding from the introduction of PCCs relating to Community Safety and Drugs Intervention is detailed in paragraph 4.8 below.
LEGAL ISSUES	No	The statutory basis for Police and Crime Commissioners (“PCC’s”) and statutory duties of the Council regarding PCC’s are as set out in the main report. Authority to appoint members to outside bodies rests with the Leader and Cabinet in accordance with Part 10 of the Constitution. There are no further direct legal implications at the present time.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The main impact from a CSP perspective is the reduction in funding

		<p>and potentially having to bid for funding and competing priorities from other local authority areas.</p> <p>However, there are opportunities to take a more coordinated approach in way the CSP manages its relationship with other CSPs and partners. It provides an opportunity for CSP to consider its priorities and future plans to tackle crime and disorder.</p>
IMPACT ON SPECIFIC WARDS	No	Borough wide

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 Police and Crime Commissioners

The main responsibilities of the PCCs will be to:

- Secure an efficient and effective police force for their area
- Appoint the Chief Constable, hold them to account for the running of the force and if necessary dismiss them
- Set the police and crime objectives for their area by producing a five year Police and Crime Plan (in consultation with the Chief Constable) which will detail the Strategic Policing requirements/
- Set the annual force budget and police precept, and produce an annual report setting out their progress against the objectives in the Police and Crime Plan.
- Contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing Requirement
- Co-operate with the criminal justice system in their area
- Work with partners and fund community safety activity to tackle crime and disorder.
- The salary has been reduced since the first proposals and will be £75k.

Currently Police Authorities are a 'responsible authority' under the Crime and Disorder Act 1998 on the CSP; the PCCs will not be a member of the CSPs Board. Within the Police Reform and Social Responsibility Act there is a mutual duty required on PCCs and the responsible authorities, Council, Police, Fire Service, Probation and PCT to cooperate to reduce crime and disorder and re-offending. PCCs will also require reports from CSPs on their work to reduce

crime and disorder, if the PCC is of the view that the partnership is not carrying out its crime reduction functions.

Police Authority Staff will begin to transfer over to the office of Commissioning to look for a smooth transition. Police & Crime Commissioner elections will take place on Thursday 15 November 2012.

4.2 Community Safety Fund

CSPs currently receive Community Safety Home Office funding, over the past two years this fund has been significantly reduced and is going to be reduced by a further 49 per cent from April 2012. Funding is too likely to be passed to the PCC's from April 2013. However, the fund may not be ring-fenced to community safety services. PCCs will also receive the proportion of Drug Intervention programme funding not going to Health and Wellbeing Boards and currently paid to the PCT, in addition to funding for services to address violence against women and girls previously subject to specific funding bids to the Home Office.

PCCs will also be able to decide how much of the funding available for Police Community Support Officers is used to support neighbourhood policing and how much is put towards other priorities. Funding issues will be identified as the role develops, with CSPs potentially in the position of having to compete with voluntary, charitable and private sector providers for community safety funding from the PCC.

Local Authorities are advised to review their current CSP structures, so that the new PCCs will have a clear understanding of how each partnership works and the objectives and priorities for the future.

4.3 Police and Crime Panels

The objective of the panel is to represent all parts of the force area, represent the political make-up of the councils in the force area. The Panel will have a minimum of 10 councillors and two co-opted members and a maximum size of 20, including 18 elected Members and the additional 2 co-opted non elected members .

Worcestershire County Council has been appointed as the lead authority for the organisation and day to day running of the panel; the lead officer is Eddie Clarke, Director of Adult and Community Services. Kim Riley who is the Returning Officer for Shropshire and

Shropshire Councils Chief Executive has been appointed by the Home Office as the Police Area Returning Officer for West Mercia.

Panels will focus their attention on key strategic actions and decisions taken by the PCC including whether they have achieved the objectives set out in their Police and Crime Plan and Annual Report, considered the priorities of community safety partners and consulted appropriately with the public.

Local authorities and PCCs will need to establish effective local leadership and partnership working relationships outside of the Panel. The Panel will not be the main vehicle for local authorities to influence the Commissioner. It will instead have a number of specific functions to carry out.

Transparency will be a key tool for the Panel, ensuring information is available to the public so that they can hold the Commissioner to account for their decisions.

4.4 Powers of the Police and Crime Panels

The Panel has specific responsibilities around the Police and Crime Plan and Annual Report. These include making reports and recommendations about each of the two documents, to which the PCC must have regard and provide a response.

Panels can also make reports or recommendations about the proposals by the PCC on:

- The level of the precept; and
- The appointment of a Chief Constable

The Panel can veto the PCCs proposal on these two issues with a two thirds majority veto.

To ensure transparency and openness, the Panel must publish all reports and recommendations that it makes and forward a copy to all local authorities in the force area. The PCC is required to also publish their responses to the Panel. The Panel must hold a public meeting to discuss the Annual Report and to question the PCC regarding any concerns.

Other specific powers held by the Panel include:

- Asking HMIC for a professional view when the PCC intends to dismiss the Chief Constable. In cases of dismissal (forced resignation or retirement) the Panel must hold a scrutiny hearing and make a recommendation to the PCC.
- Appointing an acting PCC where the elected PCC is incapacitated, resigns or is disqualified.

- Holding confirmation hearing for key staff – Chief Executive and Chief Finance Officer and for any Deputy. The Panel will have no power of veto but could make a recommendation to the PCC.
- Monitoring complaints against the Commissioner and resolving non-criminal complaints.

Police and Crime Panels have additional powers to enable their strategic scrutiny function including:

- Requiring any papers in the PCCs possession (except those that are operationally sensitive)
- Requiring the PCCs (and their staff) to attend the Panel to answer questions;
- Making reports and recommendations on any action or decision of the PCC.

4.5 Membership of the Police and Crime Panel

Panels will comprise of at least one elected representative (Councillors or, where relevant, elected mayors) from each local authority (Unitary, County and District) within the force area and two independent members or co-optees. There should be a minimum of ten elected representatives. In areas with fewer than ten local authorities, each authority will be allocated one member with the distribution of the remaining seats to be negotiated between authorities locally.

In appointing Panel members local authorities must consider, as far as is practicable, the balanced appointment objective laid out in the Act. This includes the make-up of the local areas including the political make-up, and the required skills, knowledge and experience for the Panel to function effectively.

Once established, Panels will be able, with the Home Secretary's consent, to co-opt further members, both elected and independent, up to a maximum Panel size of twenty.

4.6 West Mercia Police and Crime Panel.

As previously referenced Worcestershire County Council has been appointed as the lead authority for the organisation and day to day running of the panel. The Home Office has requested details of West Mercia arrangement for the Panel to be with them by July 2012. Agreement has been requested by Worcestershire County Council on the size and composition of the Panel. Worcestershire County Council have written to all of the West Mercia authorities seeking agreement for this model. All 7 Worcestershire authorities, Shropshire and Herefordshire have indicated that they are in agreement with this model.

The proposal is for the Panel to have 15 elected members and 2 co-opted non-elected members, 17 in total. Worcestershire have proposed this on the basis that having 15 elected Members means that there is a fair distribution of elected Members per head of population for each Local Authority, this is taking Worcestershire as a whole and the 3 Unitary Authorities.

The proposal includes the following for each Authority:

- Herefordshire – 2 Elected Members
- Shropshire – 4 Elected Members
- Telford and Wrekin – 2 Elected Members
- Worcestershire County Council – 1 Elected Member
- Worcestershire Districts – 6 Elected Members (one per district)

Total of 15 Members.

Plus 2 co-opted non-Elected Lay Members (one North Shropshire and Telford and Wrekin) and one South (Herefordshire and Worcestershire) for West Mercia who will be determined by the Panel.

Grand total 17

Nominations are sought from Group Leaders for the 2 available seats and for Cabinet to approve the nominees as part of the appointments to Outside Bodies. Appointments will be for the term of the current Council, up to May 2015.

4.7 Timescales

It is proposed that the Panel should be established in Shadow form by the end of June/July 2012, following local Council elections. A number of monthly inductions sessions are planned for between July and October, this will provide a detailed understanding of the role, responsibilities and powers of the Panel.

The Panel will be funded from October 2012 and will be in a position to exercise its functions once the PCC is in post. As the funding commences in October the Panel will be expected to have met and agreed its rules of procedures and co-option before 22nd November 2012. Home Office Timeline attached as appendix A.

Appointments to the 2 seats allocated to Telford & Wrekin need to be made by Cabinet before the shadow PCP commences its role in June/July 2012.

4.8 Financial Implications

The direct impact on current Council funding relating to the introduction of PCCs will be on Community Safety grant and the funding for the Drugs Intervention programme. In 2011/12 the Community Safety grant is £183,832 and the 12/13 grant has been confirmed as £93,001. The expected reduction in grant has been reflected in the latest budget projections for 12/13. The available grant will be used to fund a reduced number of specific initiatives and the 2013/14 transfer of funding to PCCs has been factored into the planning for these projects. There will be an impact on the Community Safety Partnership plans and priorities when the funding is transferred as they will need to bid for funding from the PCC in competition with other areas. The impact may be further exacerbated as the funding may not be ringfenced for Community Safety. Funding received by the local authority in 2011/12 for Drugs Intervention Programme totals £163k. This is currently paid over by the Home Office, £60k and the Department of Health £103k. Decisions have still to be made by Government on the future allocation of grant, for DIP the level in 2012/13 is to be determined as are the recipients of the funding, it is likely that the Drugs Intervention Program funding will be passed directly to the PCC from 2013/14.

There are no financial implications for the Council associated with the funding of the Police and Crime Panel. It will receive a funding allocation of £53,300 per year for support and running costs from central government, in addition there will be £920 per member of the Panel (including co-optees) to fund necessary expenses. PCP members will not be paid an allowance.

T.A.S 22.3.12

5. PREVIOUS MINUTES

Report on disbanding local criminal justice board and moving towards police and crime commissioners presented on:

CMT – 6th December 2011

6. BACKGROUND PAPERS

Local Government Group – Police and Crime Commissioners: a guide for councils

Local Government Group – Police and Crime Panels – Guidance on role and Composition

Worcestershire Leaders' Board – Police and Crime Panels Paper

Report Prepared by Jas Bedesha Service Delivery Manager Cohesion

Police and Crime Commissioners

Timeline

