

SCRUTINY MANAGEMENT BOARD

Minutes of the meeting of the Scrutiny Management Board held on Wednesday, 18th April 2012 at 5.30pm in the Civic Offices, Telford

PRESENT: Councillors D. White (Chairman), V. Fletcher, G. Green, A. McClements, R. Sloan, C. Turley.

IN ATTENDANCE: Stephanie Jones, Scrutiny Group Specialist; Tracy Clarke, Scrutiny Officer.

SMB-36 MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the meeting of the Scrutiny Management Board held on the 5th March 2012 be confirmed and signed by the Chairman.

SMB-37 APOLOGIES FOR ABSENCE

None

SMB-38 DECLARATIONS OF INTEREST

None.

SMB-39 CHANGES TO THE SCRUTINY COMMITTEE STRUCTURE

The Scrutiny Group Specialist summarised the report on the proposed changes to the Scrutiny Committee structures, the feedback from the consultation and the timetable for making any changes agreed. Members' attention was drawn to the fact that the provisions relating to the scrutiny of health arrangements in the Health & Social Care Act 2012 would be monitored and a future report brought to the Board should changes be required to scrutiny arrangements.

The recommendations for consideration were:

- The merger of the Health and Adult Social Care Scrutiny Committees into the Health and Adult Care Scrutiny Committee.
- That there will be eight elected Members on the Health & Adult Care Scrutiny Committee.
- That the Co-optees on the Health and Adult Social Care Scrutiny Committees will automatically become co-opted members of the Health & Adult Care Scrutiny Committee, and that the Co-opted members of the

Health Scrutiny Committee who also sit on the Shropshire and Telford & Wrekin Joint Health Overview & Scrutiny Committee will remain the same.

- The establishment of a Housing, Economy & Infrastructure Scrutiny Committee. The remit of the Committee will include scrutiny of matters relating to housing, economic development, regeneration, environment, transport and where appropriate planning.
- That there will be eight elected Members appointed to the Housing, Economy & Infrastructure Scrutiny Committee.

Members considered the feedback received during the consultation, and noted that the comments were supportive of the proposed changes. Members made the following comments in response to the points raised in the second comment:

- That the remit of health scrutiny included health services for children as well as adults. Where an issue crossed over between the Health and Children & Young People Scrutiny Committees, the issue could be reviewed jointly by both Committees.
- With regard to the powers of the Housing, Economy & Infrastructure Scrutiny Committee, Members commented that the powers and influence of scrutiny depended on legislation and on building a positive relationship with partners so that they could work together. This remained the case regardless of the structure in place to carry out the scrutiny work.

The Chairman further reported that he had had an initial discussion with the Leader, Managing Director and Assistant Director for Law, Democracy & Public Protection about how scrutiny could be more effective and add greater value to the organisation with the reduced resources to support scrutiny. Key to this was to work closely with Assistant Directors to identify the major policy decisions that would be brought forward over the year, and specific areas where scrutiny could add value. This would facilitate the planning of resources for scrutiny and ensure that scrutiny was focussed on areas where it would have most effect at the right time. Members felt this was the right approach, and made the further following comments:

- That scrutiny should be more involved with policy development which depended on being involved at an early stage. A good example was of the Co-operative & Communities Scrutiny Committee's review of the leisure concessions policy which had made recommendations to feed into the budget proposals.
- That scrutiny should move away from being an "information" forum and focus on issues where there is an identified concern. It should be assumed that Scrutiny members have read reports in advance of meetings so that officers do not spend time presenting reports and meeting time is dedicated to the investigation of issues.
- That scrutiny of the budget proposals should start earlier in the year to

allow for more in-depth work to be done on specific proposals. This depended on the budget planning process starting earlier in the year.

- That the Scrutiny Management Board should play a greater role in holding Cabinet Members to account, and that when a Cabinet Member is invited to a scrutiny meeting, scrutiny members should understand that it is their role to hold the Cabinet member to account by directing questions to the Cabinet member. This message could be reinforced by Scrutiny Chairmen.
- That members needed to play a more pro-active role in carrying out scrutiny work, and that the Member-only Meeting Protocol would be piloted and evaluated as a different way of working.
- That the Forward Plan was an important tool for scrutiny and that the Scrutiny Management Board would like to be consulted on the revised format which was under review.

The Chairman was meeting the Leader, Managing Director and Assistant Director for Law, Democracy & Public Protection again later in the week, and would bring a report to the next meeting should there be any resulting proposed changes to scrutiny arrangements.

It was noted that the deadline for consultation on the involvement of Town & Parish Councils with scrutiny was 10th May, and a report on the feedback would be brought to the next meeting for the Board to decide the way forward.

Having considered and discussed the feedback from the consultation, Members unanimously agreed the recommended changes to the scrutiny committee structure, and noted the timetable for making the changes.

RESOLVED

- **That the recommendations in section 2.1 of the report be agreed**
- **That the recommendation in section 2.2 be noted**

SMB-40 SCRUTINY AND THE MEDIA

Following the circulation of the updated Protocol for Scrutiny and the Media on 21st February 2012, Members considered the comments that had been received back from members.

- A concern had been expressed that the Protocol did not ensure that minority views in a scrutiny report would be reflected in press releases or media statements. The Scrutiny Management Board acknowledged the concern, and agreed that the Protocol should be amended as suggested in the tracked change document circulated for the meeting.
- Concerns had been expressed that the Protocol contravened Members' right to freedom of speech. The Scrutiny Management Board were not of the view that the Protocol infringed on Members' right to free speech. This was because all Members have a right to express their views on any

matter, the principle on this issue being that it must be clear that their views were individual opinions and not those of an appointed scrutiny committee or other scrutiny group unless it had been agreed that those Members may speak on behalf of the committee. The conditions for doing this are set out in the protocol. The designation of the Scrutiny Chairmen as the official spokespeople for the Scrutiny Committees ensured that communication with the media about scrutiny reports and issues was consistent and co-ordinated. This protocol had been in place for a number of years and the recent revisions to the Protocol did not seek to change this.

- Management Board did not agree that the Protocol infringed on Members' right to free speech. Members have a right to express their views on any matter, except that it must be clear that their views are individual opinions and not those of a scrutiny committee or other scrutiny group unless it has been agreed that they may speak for the committee. The conditions for doing this are set out in the protocol. The designation of the Scrutiny Chairmen as the official spokespeople for the Scrutiny Committees ensures that communication with the media about scrutiny reports and issues is consistent and co-ordinated. This protocol has been in place for a number of years and the recent revisions to the Protocol did not seek to change this.

RESOLVED

That the Protocol for Scrutiny and the Media as circulated with the agenda for this meeting be adopted with the amendment shown as a tracked change.

SMB-41 FORWARD PLAN AND ITEMS FOR THE NEXT MEETING

Members discussed the items on the Forward Plan and agreed the following:

- That the issues relating to housing and Choose Your Home raised at the meeting in January and at the Members' Information Seminar with RSLs on 15th March would be referred to the Housing, Economy & Infrastructure Scrutiny Committee to take forward once established.
- That the next meeting on 14th May would include the changes arising from the Police Reform and Social Responsibility Act and the Safer, Stronger Communities Partnership; feedback from Scrutiny Members and Town & Parish Councils on the involvement of Town & Parish Councils with scrutiny; a report on the process for setting the work programme for 2012/13.
- There were four remaining items which were due to be reported at the meeting by way of written reports. It was agreed that due to pressure on resources and the fact that the agenda for the next meeting was already substantial and not allow for the issues to be given proper consideration,

that these reports would be removed from the work programme, but that members may follow up on the issues themselves if they had a particular concern.

RESOLVED

That the changes to the Forward Plan as discussed be agreed.

The meeting ended at 6.47pm.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD– 14th MAY 2012

ENGAGEMENT OF TOWN & PARISH COUNCILS WITH SCRUTINY

REPORT OF SCRUTINY GROUP SPECIALIST

1.0 PURPOSE

- 1.1 To enable the Scrutiny Management Board to consider the feedback to the consultation on the involvement of Town & Parish Councils (TPCs) in Scrutiny, and to agree the preferred option for engaging Town & Parish Councils.

2.0 RECOMMENDATIONS

- 2.1 That the Scrutiny Management Board considers and agrees the preferred option for the engagement of Town & Parish Councils with the Scrutiny Committees.
- 2.2 That the Scrutiny Management Board considers whether an allowance equivalent to that paid to existing Scrutiny Co-optees should be paid to Town & Parish Council representatives elected to the Scrutiny Committees.
- 2.3 That the Scrutiny Management Board notes the terms relating to the election of Town & Parish Council representatives as set out in section 6.2.

3.0 PREVIOUS MINUTES

- 3.1 Scrutiny Management Board, 5th March 2012

4.0 SUMMARY

- 4.1 On 5th March 2012, the Scrutiny Management Board agreed proposals to elect Town & Parish Council representatives to the Scrutiny Committees. The aim was to encourage closer involvement and co-operation between Scrutiny and the Town & Parish Councils.

- 4.2 The proposal was to elect a Town & Parish Council representative to each of the Scrutiny Committees at a Parish Forum meeting, with a number of conditions applying. The proposals are set out in Appendix 1 of this report.
- 4.3 The proposals were sent to Scrutiny Assembly members and Town & Parish Council Clerks and Chairmen for consultation, allowing enough time for a cycle of Town and Parish Council meetings to take place.

5.0 FEEDBACK FROM THE CONSULTATION

- 5.1 At the time of writing this report, there have been eight responses to the consultation which are shown in Appendix 2. Any further responses received from Town & Parish Councils up to the meeting on 14th May will be tabled for consideration at the meeting.
- 5.2 All responses except one which was ambiguous were in favour of the greater involvement of Town & Parish Councils with Scrutiny, although there were different views on how this should be achieved.
- 5.3 Six of the respondents agreed with the principle of having an elected Town & Parish Council (TPC) representative on the Scrutiny Committees, but disagreed about how the representatives should be elected.
- 5.4 Of the six agreeing with elected representatives: 2 supported an election at the Parish Forum; 1 supported an election at the Wrekin Area Committee; 2 supported an election managed by the Council. One did not express a preference.
- 5.5 Three responses felt that the Parish Forum was not the best way of holding an election as the Forum was currently under review due to poor attendance. Consultation on the future of the Parish Forum was due to close on 2nd May, and the results were to be discussed at the Parish Charter Monitoring Group on 10th May.
- 5.6 Concerns were expressed about the difficulty of one representative being able to reflect the differing views of 26 TPCs encompassing rural and urban areas.
- 5.7 The lack of an allowance was raised as an inequality issue and as a potential barrier to participation.
- 5.8 There were concerns about how the representatives would communicate with other TPCs to:
- Provide effective feedback
 - To gather views from other TPCs to feed into a scrutiny review within a reasonable timescale for the review.

6.0 OPTIONS FOR ENGAGING TOWN & PARISH COUNCILS

6.1 Based on the result of the consultation, four options have been put forward for the Scrutiny Management Board to consider, and to agree the preferred option for engagement with TPCs. As the majority of the responses were in agreement with the view of the Scrutiny Management Board that the TPCs should be more closely involved with scrutiny work, the options are all based on this premise.

	Considerations
<p>Option 1 TPC representatives are not elected to the Scrutiny Committees but:</p> <ul style="list-style-type: none"> • TPCs are notified of about meetings and agenda items • Scrutiny pro-actively involves TPCs in scrutiny reviews where relevant • TPCs receive progress reports as provided to the Scrutiny Management Board. 	<ul style="list-style-type: none"> • Supported by one respondent • Gets around the issue of one TPC representative reflecting views of 26 TPCs • Tests level of interest before moving ahead with elected representatives • Risk of less engagement with less formal structure
<p>Option 2 TPC representative elected to Scrutiny Committees at Parish Forum.</p>	<ul style="list-style-type: none"> • The Parish Forum is currently under review • Proposed by Scrutiny Management Board and supported by 2 TPCs
<p>Option 3 TPC representatives elected to Scrutiny at Wrekin Area Committee.</p>	<ul style="list-style-type: none"> • Not all TPCs are members of the Wrekin Area Committee • Supported by one member
<p>Option 4 TPC representatives elected to Scrutiny Committees as follows:</p> <ul style="list-style-type: none"> • Scrutiny seeks nominations from all TPCs requesting short statement of experience, knowledge and interest from nominees • Nominee details posted on website • If fewer than 5 nominees, no election will be held and nominees will be allocated to Scrutiny Committees by Scrutiny Management Board. • If more than 5 nominees, each TPC will be asked to vote for their preferred nominee by e-mail. Results will be published. Top scoring 5 will be appointed to the Scrutiny Committees and allocated places by the Scrutiny Management Board. 	<ul style="list-style-type: none"> • Ensures all TPCs have an opportunity to make nominations and consider candidates before electing representatives • Selection based on some criteria • Better element of matching experience and skills to Committees • Supported by one TPC Clerk and one TPC

6.2 The following terms will apply to all options involving the election of TPC representatives:

- Representatives must be elected Councillors, but not borough ward Members.
- There will be one representative for each Scrutiny Committee, except the Scrutiny Management Board.
- Representatives must represent the general interests of Town & Parish Councils and not the individual interests of their own town or parish. However, issues may legitimately be raised where the issue is common to other towns and parishes in the borough.
- The representatives should have an interest in, or knowledge of, the services within the remit of the Scrutiny Committee on which they sit to complement the skills and experience of the borough ward members and other co-optees on the Committee.
- The representatives may take a full part in scrutiny meetings, but will not have voting rights.
- Representatives will be responsible for consulting with and feeding back to other Town & Parish Councils through any methods they choose.
- All Town & Parish Councils will receive notices about scrutiny meetings and agenda items, and progress reports on delivery of the scrutiny work programme. TPCs will be invited to make suggestions for scrutiny in the usual way.
- Where no representative is elected by the Town & Parish Councils, the position on the Scrutiny Committee will remain vacant until such time as a representative is elected.
- Representatives would be required to sign and abide by the Council Members' Code of Conduct.

6.3 Details of any election process agreed will be worked out by the Scrutiny and Democratic Services team in consultation with the Scrutiny Chairman.

6.4 The effectiveness of any new arrangements may be reviewed and amended by the Scrutiny Management Board after a period of 12 months.

7. **ALLOWANCES**

- 7.1 As no budget had been identified for additional scrutiny co-optees, it was proposed that no allowances would be payable to the TPCs, recognising that they may claim expenses from their Town or Parish Council.
- 7.2 Existing Scrutiny Co-optees receive an annual taxable allowance of £260 for serving on a Scrutiny Committee.

9. EQUAL OPPORTUNITIES

Any election process arising from recommendations will be held in an open and transparent way with all Town & Parish Councillors having equality of opportunity.

There is an equality issue with the potential for a two-tier allowance system.

10. ENVIRONMENTAL IMPACT

There are no environmental impacts arising from this report.

11. LEGAL COMMENT

The Terms of Reference of the Scrutiny Management Board include the following provision in relation to the decisions which are for consideration in this report –

“The Scrutiny Management Board may periodically review and make changes to the Policy for Co-opting Scrutiny Members.”

Section 21(10) of the Local Government Act 2000 provides that a Scrutiny Committee can include members who are not elected Members of the Authority. Such members cannot vote unless a scheme is made in accordance with Schedule 1 Paragraph 12 to the Act. The Local Authorities (Members' Allowances) (England) Regulations 2003 provide that allowances can be paid to co-optees.

12. LINKS WITH CORPORATE PRIORITIES

The proposal relates to the Council's scrutiny function.

13. OPPORTUNITIES AND RISKS

The recommendations present an opportunity for greater involvement of Town & Parish Councils with Scrutiny.

14. FINANCIAL IMPLICATIONS

There are no direct costs associated with the proposed Scrutiny Committee structure. As set out in the Council's constitution, a special responsibility allowance of £7,139 p.a. is paid to the Chairs of Scrutiny Committees and co-optees receive £260 p.a. The payment of allowances to 5 Town & Parish Council representatives would cost an additional £1,300 p.a. which could be accommodated within the current revenue budget for member allowances.

15. WARD IMPLICATIONS

There are no ward specific implications arising from this report.

16. BACKGROUND PAPERS

None

Report prepared by Stephanie Jones, Scrutiny Group Specialist 01952 383114

Proposal for the election of Town & Parish Council representatives to the Scrutiny Committees

The Scrutiny Management Board has expressed a desire to develop closer links between scrutiny and the Town & Parish Councils. This is consistent with the Co-operative Council priority to give local people greater involvement in planning and running Council services, accepting that scrutiny is an influencing but not a decision making body.

Currently, Town & Parish Councils are invited annually to make suggestions for the Scrutiny Work Programme, and Town & Parish Councillors may attend scrutiny meetings along with other members of the public to observe the debates. However, there are no formal links between scrutiny and the Town & Parish Councils which limits the engagement of Town & Parish Councils in scrutiny work.

To address this, the Scrutiny Management Board is proposing that the Town & Parish Councils are invited to elect representatives to sit on each Scrutiny Committee, excluding the Scrutiny Management Board.

The following terms would apply to the representatives:

- Representatives will be elected by the Town & Parish Councils. This could be done at a meeting of the Parish Forum, or at another suitable meeting, or at a meeting specifically for electing the representatives.
- Representatives must be elected Councillors, but not borough ward Members.
- There will be one representative for each Scrutiny Committee, except the Scrutiny Management Board.
- Representatives must represent the general interests of Town & Parish Councils and not the individual interests of their own parish. However, issues may legitimately be raised where the issue being discussed is common to other parishes in the borough.
- The representatives should ideally have an interest in, or knowledge of, the services within the remit of the Scrutiny Committee on which they sit so that they add value to the skills and experience of the borough ward members and other co-optees on the Committee.
- Representatives may bring suggestions to scrutiny, although decisions about the work programme will remain with the Scrutiny Management Board and relevant Scrutiny Committee. Provision for making suggestions already exists, but it is felt that a more formal working relationship is likely

to enhance opportunities for the Town & Parish Councils to influence the work programme and contribute to outcomes.

- The representatives may take a full part in scrutiny meetings, but will not have voting rights.
- Representatives will be responsible for providing feedback to other Town & Parish Councils through any methods they choose and including reports to the Parish Councils, possibly through the Parishes Forum. Town & Parish Councils would receive weekly e-mail notices about forthcoming scrutiny meeting dates and agenda items in the same way as Scrutiny Assembly members.
- There is currently no identified budget for paying allowances to Town & Parish Council representatives on the Scrutiny Committees. It should be pointed out that members of the public currently Co-opted onto scrutiny receive a small annual allowance to cover travel expenses, which had already been budgeted.
- Where no representative is elected by the Town & Parish Council, the position on the Scrutiny Committee will remain vacant until such time as a representative is elected.
- There will be no set term of service, and it will be up to Town & Parish Councils to monitor the arrangements and make replacements as they see fit.
- In line with Co-optees serving on the Scrutiny Committees, representatives would be required to sign and abide by the Council Members' Code of Conduct.

The proposal will not affect the position of existing Co-optees who are Town or Parish Councillors and who have been co-opted onto scrutiny for their specific skills or expertise.

Feedback from consultation on the proposals to involved Town & Parish Councils with the Scrutiny Committees.

1	Scrutiny Member	<p>I am not supportive of the proposal to have Town & Parish Council representatives. I believe this will be fraught with difficulties. I think a Town or Parish Council representative will find it difficult to reflect the views of all Town & Parish Councils and will, most likely, resort to reflecting the view, as they see it, of their own Council. I also think representatives will find it difficult to provide effective feedback to all other Town & Parish Councils and either they will not do it or it will fall back on the Borough to provide them with the wherewithal. With no vote and no allowances, I would be surprised if there is much enthusiasm. I think a first step might be to notify Town & Parish Councils of meetings and agenda items, as suggested, invite them to attend as members of the public, if they wish, and then send them copies of recommendations and see if that sparks further interest.</p>
2	Scrutiny Member	<p>The proposal to include members of parish councils onto these committees one I would fully endorse, but not through the Parish Forum. The Forum is weak and not led as it should be by the parish/town councils as it was intended, therefore I would suggest that if we wish to be totally impartial the authority or scrutiny management chair utilises the Wrekin area committee as a mechanism to obtain suitable representation from our partner minor authorities.</p>
3	TPC Clerk (personal view)	<p>I support the idea of a Parish / Town Councillor joining each Scrutiny Board but have to say that this will only bring about the possible benefits if that 'elected' person liaises with all Parish & Town Councils on a regular basis, otherwise that one person will not be in a position to represent PTC on the Scrutiny Board. With regards to the allocation of time for a scrutiny review, this could end up extended as I see the process below as the only way it could work:-</p> <ul style="list-style-type: none"> • Scrutiny meet to identify piece of work. • PT rep liaises with ALL PTC to gather views • Scrutiny meets to bring together the PTC views with other views collected • Scrutiny make recommendations • PT rep takes recommendations back to ALL PTC and asks for views • Scrutiny meets to confirm <p>Regarding the process to 'elect' a representative of PTC</p>

		<p>on a Scrutiny Board, I don't think the Forum is the correct meeting at this time. The Charter Review Monitoring Group is to send out a questionnaire in the near future to enquire of PTC their views regarding the Forum. Presently it is not well attended and not representative of ALL PTC.</p> <p>May I suggest that you ask PTCs to nominate someone (if they want to) and for that nominated person to write a short paragraph about why they want to do the role, what experience they have and how they can enhance the work of the Board, their availability for meetings etc. Then the list of ALL interested nominations be agreed by Scrutiny and the list sent out to all PTCs for them to vote for the one they believe could best represent ALL PTC.</p> <p>I agree that the elected PT Councillors should not be Ward Members and should have the general interests of the entire Borough in mind. Every effort should be taken to ensure they do not have conflicting interests.</p> <p>I agreed that the weekly notices are an excellent idea, but you should advertise the fact that these are open meetings. I think the PT Councillor should be entitled to claim mileage but not necessary have an allowance. Having said this, if they are the nominated person from their Parish, they can claim mileage from their own Parish Council. They will already be signed up to the Code of Conduct as an elected Member, albeit of a Parish or Town Council.</p> <p>I would also ask, please, that you remain mindful of the Parish Charter which has just been updated in line with the Co-operative Council guidance.</p>
4	Town/Parish Council	<p>The Committee answer "yes" to both of the following questions as a response to Telford & Wrekin Council:</p> <ul style="list-style-type: none"> • Appoint elected representatives is the best way of involving Town & Parish Councils in Scrutiny? • That an election should be held at a Parish Forum meeting?
5	Town/Parish Council	<p>The election of a Town or Parish Council rep for each Scrutiny Committee.</p> <p>This was supported by the Parish Council but questions were asked as to how this one person would be able to represent the views of 26 PTCs.</p> <p>The inclusion of PTCs in the Scrutiny process is an excellent idea (the meetings regarding the community centres recently being a good example) and encourages a greater degree of co-operation between the two tiers of local government.</p>

		<p>The Parish Forum would not be the best way of holding an election to appoint the representatives as it is recognised that the Forum is under review due to poor attendance. Members believed that each Parish / Town Council should be asked if they have a Councillor willing to be nominated. The Management Board should ask all those nominated to write a short statement detailing their experience and knowledge and these should be included in a voting system allowing each PTC to vote for a representative. The Board could use the information to determine which Scrutiny Commission would be best for each of the successful applicants.</p> <p>It is very important that the elected people can represent all the PTCs across the Borough and not attend to put forward their own views, although it is recognised that they will have personal views on the subject. They also need to be available to attend your meetings, which I believe are sometimes held in the daytime.</p>
6	Town/Parish Council	<p>On the election of a Town and Parish Council representative for each Scrutiny Committee, the Council, felt that appointing elected representatives is the best way forward to ensure those Councils are involved in the scrutiny process. They have also agreed that the appointment of representatives should be held at Parish Forum meetings.</p>
7	Town/Parish Councillor	<p>I'm not sure I'm understanding properly, is it proposed that Town and Parish Councillors sit and work alongside Borough councillors, on Scrutiny committee?. But Borough councillors are paid - really handsomely paid - and Parish councillors are not, they are volunteers. Surely this cannot be 'serious'?</p> <p>Since the Parish councillors can't be paid, it would change the nature of their representation, then are Borough councillors on Scrutiny proposing to forgo their rations?</p>
8	Town/Parish Council Chairman	<p>Whilst I think the idea is good in principle, there are many pitfalls in it as well.</p> <p>One representative on each Committee to deliver the <u>consensus</u> view of 26 Parish & Town Councils is a big ask, and I think an unenviable one.</p> <p>Town Councils are not the same as Parish Councils (as I am sure everyone at T&W knows) and even within these two levels, there are the two extremes of strongly political minor authority councillors and those whose political views never enter into anything they do.</p> <p>We also have rural and urban to contend with, again with differing requirements and views, and importantly there would also need to be a process by which the scrutiny representative consulted with all 26 Parish and</p>

		<p>& Town Councils on any particular issue (and did not merely represent their own views), and then, time allowed for responses to be made known to the scrutiny representative. The delays this could potentially cause could be lengthy.</p>
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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

