

APPENDIX 1

**SCRUTINY PROGRAMME BOARD
28 FEBRUARY 2012**

POLICE AND CRIME PANELS AND COMMISSIONER ELECTIONS BRIEFING PAPER

INTRODUCTION

This brief is at the request of members at the last Scrutiny Programme Board Committee and overviews progress to date and next steps.

BACKGROUND

The Police Reform and Social Responsibility Act 2011 received Royal Assent in September 2011.

This Act provides the parent legislation for the establishment of a new post; the Police and Crime Commissioner ("PCC") this will replace the existing Police Authority structures.

TRANSITION ARRANGEMENTS

A National PCC Transition Sponsorship Board has been set under the Chairmanship of the Policing Minister to oversee the delivery of the PCC Transition Programme.

Merseyside Police Authority established a Transition Committee in August 2011. The Committee's focus is to prepare for the transfer from Police Authority to PCC.

FORTHCOMING POLICE COMMISSIONER ELECTION

A public election will take place on 15 November 2012 for the first PCC. (Liverpool City Council will be the lead authority in the administration of this election. The Chief Exec of LCC applied and was subsequently appointed to the position of Police Area Returning Officer "PARO"). Elections following 2012 will be held on the same day as local elections to elect Councillors.

The elections will use the Supplementary Vote ("SV") electoral system. Under the SV system, a voter is asked to indicate first and second preferences. If no candidate has 50 per cent of the first preference votes, the two candidates with the highest number of first preference votes go forward to a second round. In the second round of counting, ballots indicating a first preference for a candidate that lost in the first round are reallocated according to the second preference indicated in the ballot paper. The SV system was used in the London Borough Mayoral Elections. The practicalities of the election, as mentioned earlier, will be the decision of the PARO and have yet to be decided.

The PCC will take office on 22 November 2012 and will remain in post for four years until May 2017. The PCC will have responsibility for:

- Appointing the Chief Constable (CC) and holding them to account for the running of their force.
- Setting out a 5 year Police and Crime Plan to be published by March 2013 (in consultation with the CC) determining local policing priorities.
- Setting the annual local precept and annual force budget.
- Making community safety grants to other organisations aside from the CC (including but not limited to Community Safety Partnerships).

The Home office (regional briefing 25 January 2012) believes that Local Authorities should offer Commissioner's their existing community engagement networks (rather than re-invent the wheel)–the resourcing of this is presently unknown.

POLICE AND CRIME PANELS (“PCPs”)

Police and Crime Panels (“PCP”) will be created as a formally constituted joint committee of all the authorities in the police force area. The Home Office have stressed (regional briefing 25 January 2012) that the PCP will support the PCC and act as a critical friend and challenge. The committee will be bound by Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information)

According to the Home Office the PCP will be a “lightweight” scrutiny body. It will exist to scrutinise the PCC, to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions, the PCP will specifically scrutinise:

- Police and crime plan
- Council Tax precept
- Chief Constables appointment
- Annual report

The PCP will have the power of veto over the PCC decisions with a two-thirds majority vote on issues of:

- Precept
- Selection/removal of the Chief Constable.

A point to consider for local authorities is that the PCC will not be elected to balance their actions/decisions against the wider community needs but only those of crime and disorder. With the PCC's right to precept on local government and bearing in mind the PCC's single responsibility, the decision on how much taxation should be used for this single responsibility will be made without the need to consider other local government expenditure.

The force budget must include an element of the 'strategic policing requirement', the activities each force is duty-bound to undertake to preserve national security but other than that the PCC can set the force budget in any way they choose. It is worth noting that one of the two members of staff a PCC has to employ by law is a chief finance officer.

The PCP will not have veto over the force budget.

There is an expectation that PCP's should/will be set up following the May 2012 elections and start to meet in shadow form in Sept/Oct. There is currently (although further discussions will be held) no funding to cover the PCP shadow period.

Unlike Police Authorities, PCCs will not be 'responsible authorities' under the Crime and Disorder Act 1998, and hence will not be members of Community Safety Partnerships ("CSP"). However, provisions in the Police Reform and Social Responsibility Act place a mutual duty on PCCs and responsible authorities in CSPs to cooperate to reduce crime, disorder and re-offending. There is also a similar reciprocal duty on the PCC and criminal justice bodies to co-operate.

At Appendix 2 (for information/note) a report from the Community Safety Co-Ordinator which outlines a proposed process that will enable the priorities of Wirral CSP to be presented to the PCC for "possible" inclusion within the five year Police and Crime Plan.

CONSTITUTION OF POLICE AND CRIME PANELS

The division of places for the PCP is different to that of the Police Authority (which is based on population and politics and set out in Regulations). The Home Office have said there will be further regulations on nominations. The PCP must have a minimum of 10 members plus 2 independents. Each Local Authority must have at least 1 place. There will be a need to balance membership 3 ways (political, geographical and skills) as far as practical and the Home Office recommend using co-opted independents where appropriate. Any elected mayor is presumed to be the panel member for their Local Authority (they can delegate if they wish).

Co-options and panel procedures (standing orders) will need to be decided by the PCP as their first job.

There are different views about Panel membership, some favouring the Leader of the Council and/or the Cabinet Member for Housing and Community Safety ("their equivalent"). Others consider that they will have a separate relationship with the Commissioner and therefore the independent scrutiny role of the Panel would be blurred by the membership of executive members. Forthcoming guidance should make this clearer.

HOST AUTHORITY FOR THE PANEL

A 'host authority' for the panel needs to be identified. The Home Secretary will request a briefing in July 2012 on where the Authority is up to with these plans.

Funding of £38,300 will be paid to the host authority to pay for meeting costs and some scrutiny support. Local Authorities can chose to top this up if they feel this amount is inadequate. The Home Office envisage an average of 4 meetings per year. No allowance will be paid to PCP members, although expenses of up to £920 per annum will be paid to members by the host authority. Home Office representatives have said that if members do not claim their expenses fund, any surplus amount could be used to top up meeting support funds.