

# REPORT TO COUNCIL

**REPORT OF:** Head of Legal and Democratic Services

**REPORT NO:** LDS066

**DATE:** 3 May 2012

|   |   |                                  |
|---|---|----------------------------------|
| <b>TITLE:</b>                                     | <b>Lincolnshire Police and Crime Panel</b>  |                                  |
| <b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b> | N/A   |                                  |
| <b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>    | Councillor Paul Carpenter<br>Portfolio Holder, Engagement & Corporate Services  |                                  |
| <b>CONTACT OFFICER:</b>                           | Lucy Youles 01476 40 61 05<br>l.youles@southkesteven.gov.uk   |                                  |
| <b>INITIAL IMPACT ASSESSMENT:</b>                 | Carried out and Referred to in paragraph (7) below:   | Full impact assessment Required: |
| <b>Equality and Diversity</b>                     | Not applicable  | No                               |
| <b>FREEDOM OF INFORMATION ACT:</b>                | This report is publicly available via the Your Council and Democracy link on the Council's website:<br><a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a> |                                  |
| <b>BACKGROUND PAPERS</b>                          | Police Reform and Social Accountability Act 2011  |                                  |

## 1. RECOMMENDATIONS

- 1.1 The Council note the development of the Lincolnshire Police and Crime Panel.
- 1.2 That the Council approves the proposed arrangements (set out in Appendix A) for the Lincolnshire Police and Crime Panel to be established in accordance with Schedule 6 of the Police Reform and Social Responsibility Act 2011 (the Act) as a joint committee of Boston Borough Council, City of Lincoln Council, East Lindsey District Council, Lincolnshire County Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council.
- 1.3 That the Council appoints one member to the Lincolnshire Police and Crime Panel with authority to take all decisions necessary to participate in undertaking the functions of the panel.

**1.4 That the Council approves that East Lindsey District Council be designated as the lead authority for the Lincolnshire Police and Crime Panel.**

## **2. PURPOSE OF THE REPORT**

**2.1** Part 1, chapter 4 of the Act requires that local authorities in each police force area to establish and maintain a Police and Crime Panel in accordance with Schedule 6 of the Act. The purpose of the report is to set out the requirements of the Act and the proposed lead authority for the establishment of the Panel, approve the arrangements for the proposed Panel and appoint a member to that Panel.

## **3. DETAILS OF REPORT**

### The Police Reform and Social Responsibility Act

**3.1** The Act has introduced significant changes in police governance and accountability. One key element is the introduction of an elected Police and Crime Commissioner for each police force area. The Commissioner will be held to account by a Police and Crime Panel. It is the responsibility of the authorities for the police force area to make arrangements for the Panel.

**3.2** The Panel is a scrutiny body with responsibility for scrutinising the Police and Crime Commissioner and promoting openness in the transaction of police business in the police force area.

**3.3** The Panel's duties and powers which must be exercised in accordance with the Act and associated regulations can be summarised as follows:

- a. the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
- b. the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
- c. the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
- d. the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;
- e. the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
- f. the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
- g. the power to require the commissioner to attend the panel to answer questions;
- h. the power to appoint an acting commissioner (from within the commissioner's staff) when the elected commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or

- resigns or is disqualified (until a new commissioner is elected); and
- i. responsibility for all complaints about the commissioner; although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

### Membership

- 3.4 Membership of the Panel should consist of ten councillors from the eight local authorities and two independent members co-opted by the Panel. Panels are required to be politically and geographically balanced and have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. There is no stipulation whether Panel members should be Executive or non-Executive Councillors.

### Lead authority

- 3.5 Legislation requires one authority in each police force area to be designated as the lead authority. The lead authority will provide support to enable the Panel to undertake its functions. East Lindsey District Council has agreed to take on the role of lead authority.

## **4. OTHER OPTIONS CONSIDERED**

- 4.1 The Police Reform and Social Responsibility Act stipulates the requirement and composition of the Police and Crime Panel. The Home Secretary has reserve powers to establish a Panel and appoint members to the Panel, if any local authority fails to do so.

## **5. RESOURCE IMPLICATIONS**

- 5.1 The Home Office is providing grant funding to meet costs however this has only been agreed for the first two years of the Panel.
- 5.2 The proposed arrangements include a charge to the authority of 10% of the Panel's running costs. During the first two years of the Panel, in which grant funding is available, the Council would be liable for 10% of the expenditure exceeding the grant.
- 5.3 The budget, which would be prepared by the lead authority in consultation with all member authorities, would be agreed annually by all member authorities.

## **6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

- 6.1 The Council is required to set up a panel jointly with other authorities within the police administrative area. This report sets out the proposals for the Lincolnshire area. If no appointment is made and arrangements not approved, there is a risk that this authority will have no decision making authority in respect of police matters. The proposals in this report will mitigate that risk.

## **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

7.1 Not applicable.

## **8. CRIME AND DISORDER IMPLICATIONS**

8.1 Not applicable.

## **9. COMMENTS OF FINANCIAL SERVICES**

9.1 There could be financial implications arising should the expenditure exceed the grant contribution. The Authority will be asked to contribute 10% of this figure. The grant is only available for the 2 year period so there will be a requirement to contribute towards future costs should no further grant funding be forthcoming. All financial implications will be met from revenue budgets.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 Although the Police Crime Commissioner will not be elected until November 2012, it is proposed that shadow panels are established now. East Lindsey District Council, as the proposed lead authority for the administration of the Panel has requested that this matter be considered at each authority's annual meeting. The Council has a legal duty under the Act to establish the Panel referred to in the report.

## **11. APPENDICES:**

Appendix A - Draft Arrangements for the Lincolnshire Police and Crime Panel