

Report of City Solicitor

Report to General Purposes Committee

Date: 25 June 2012

Subject: Establishment of the West Yorkshire Police and Crime Panel

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report advises about establishing a Police and Crime Panel as a joint committee with other West Yorkshire authorities, to scrutinise an elected Police and Crime Commissioner from November 2012.

Recommendations

- 2 That General Purposes Committee recommend to full Council:
 - To note the Council's statutory obligation to establish, and agree arrangements for the West Yorkshire Police and Crime Panel.
 - To agree to form a joint committee with the four other West Yorkshire councils, as detailed in the report.
 - To delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report (subject to full Council considering the proposed allowances, further to any recommendation from the Independent Remuneration Panel).
 - To appoint the following Members to the Panel:

Labour	Conservative
Cllr Lowe	Cllr J L Carter
Cllr Iqbal	

1 Purpose of this report

- 1.1 To ask General Purposes Committee to recommend full Council to formally agree to the establishment of the West Yorkshire Police and Crime Panel as a joint committee of the five West Yorkshire Authorities.

2 Background information

- 2.1 The Police and Social Responsibility Act 2011 (the Act) introduces the election of Police and Crime Commissioners and the establishment of Police and Crime Panels for each police area. The elections of Commissioners will be held on 15 November 2012, and the new Commissioners will take office on 22 November 2012.
- 2.2 On 14 December 2012, the Executive Board considered a report from the Director of Environment and Neighbourhoods, outlining the 2011 Act, and its implications for Leeds City Council. The Executive Board resolved that “a project group should be established, to consider and make recommendations to the Safer Leeds Executive and the Council’s Executive Board on a range of issues in preparation for the appointment of the Commissioner.”
- 2.3 The Police Authority will be abolished, but the Panel is not a replacement for the Police Authority, and it does not have a role in scrutinising the performance of the police force. That is the role of the Commissioner.

3 Main issues

- 3.1 Leeds City Council together with the four other local authorities in West Yorkshire (Bradford, Calderdale, Wakefield and Kirklees) is required to establish a West Yorkshire Police and Crime Panel (the Panel) and jointly agree the arrangements for its operation.
- 3.2 The Panel will have responsibility under the Act for scrutinising the Commissioner, promoting openness in the transaction of police business in the West Yorkshire Police area and undertaking specific functions which include:
- Reviewing and making recommendations on the Commissioner’s Police and Crime Plan.
 - Questioning the Commissioner at a public meeting on his/her Annual Report.
 - Reviewing the appointment of a Chief Constable (with power to veto the appointment with a 2/3 majority).
 - Reviewing the Commissioner’s proposal to remove the Chief Constable.
 - Reviewing the Commissioner’s proposed precept (with power to veto with a 2/3 majority).
 - Investigating complaints about the Commissioner.

- 3.3 The Council of the City of Wakefield Council have been acting as lead authority on this issue, including the preparation of draft documentation relating to the joint committee.
- 3.4 The **Panel arrangements** to be agreed by the authorities must cover:
- **Membership** - specifically which authorities should appoint the extra members of the Panel, where there are nine or fewer authorities, and provision about co-optees (including their terms of office);
 - payment of **allowances**;
 - the promotion of the role of the Panel, **administrative arrangements**, and **support and guidance** to members and officers; and
 - how the authorities will meet the **costs** of the panel, and how funds paid to meet the costs of the panel are to be paid to, or distributed between the relevant authorities.
- 3.5 **Membership**
- 3.5.1 As there are fewer than ten local authorities in this police area, each is required to appoint one or more of its councillors to be a member of the Panel, to make a total of ten councillor members.
- 3.5.2 The Panel is also required to co-opt two Panel members who are not councillors. With the approval of the Secretary of State, it may co-opt additional members who may be (but need not be) councillors.
- 3.5.3 Importantly, all authorities have a statutory duty to establish a Panel that meets the “balanced appointment objective” in Schedule 6 of the Act. This requires members of the Panel (when taken together and so far as is reasonably practicable) to:
- Represent all parts of the Police Area.
 - Represent the political make-up of all authorities.
 - Have the skills, knowledge and experience to discharge the functions of the Panel.
- 3.5.4 To meet the balanced appointment objective, it is proposed that the ten members appointed by the constituents authorities are in the following proportions: Leeds 3, Bradford 2 ,Kirklees1, Wakefield 2, Calderdale 1. However, it is also proposed that subject to the agreement of the Secretary of State in relation to the number of co-optees, Bradford and Kirklees each nominate a further Member for the Panel to co-opt (in addition to the two other non councillor co-optees identified in paragraph 3.5.2 above).

3.5.5 In terms of political make-up, based on current political representation across West Yorkshire, the following is proposed:

Authority	Local Authority Appointment			Places for LA to nominate PCP to appoint			Overall		
	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem	Lab	Cons	Lib Dem
Leeds	2	1					2	1	
Bradford	1	1		1			2	1	
Kirklees	1	1					1	1	
Wakefield	2						2		
Calderdale	1					1	1		1
Totals	7	3	0	1	0	1	8	3	1

3.5.6 Through recommendations arising from this report , full Council will be asked to appoint the following Councillors to the new Panel.

Labour Group

Councillor Lowe
Councillor Iqbal

Conservative Group

Cllr J.L. Carter

3.5.7 It is proposed that each Member of the Panel appointed or nominated by each constituent Council shall continue to hold office unless the Council appointing or nominating him/her withdraws the appointment or nomination, or he/she resigns his/her membership of the Panel or his/her term of office expires.

3.5.8 It is also proposed that each Council may send a substitute Member to meetings, as notified to the Chief Officer by the Council, and this substitute Member will be permitted to act as a substitute Member with full voting rights at meetings of the Panel and any Sub-Committees appointed by the Panel. It is proposed that a substitute Member may only attend two meetings of the Panel consecutively, and if this is the case then the Member who has not attended for the two meetings shall no longer be a Member of the Panel and his/her Council will be required to appoint a new Member to the vacant seat on the Panel.

3.5.9 In relation to Co-opted(non-councillor) Members who are not nominated by the authority, it is proposed that they are appointed for a term of office of two years, but for 2012 that term of office will be for 18 months. These Co-opted members will be recruited by the Panel. At its first meeting the Panel will decide which Members will deal with this process, and will decide on criteria and a process to be followed. If a casual vacancy arises for such a Co-opted member, the Panel will decide on the process to be followed to fill that vacancy. Co-opted members who wish to resign will give notice to the Chief Officer.

3.6 **Allowances**

- 3.6.1 The work of the Commissioner, and thus the Panel, is likely to be extremely high profile as the Commissioner will be entirely accountable for the operation of the police force within their area. As the Panel is legally bound to deal with any non-criminal complaints about the Commissioner, this also means the Panel will attract a significant degree of public interest.
- 3.6.2 All of the meetings of the Panel are in public and as the Commissioner is legally obliged to attend all Panel meetings, if invited, this means media coverage of Panel meetings is extremely likely.
- 3.6.3 To date, there are 7 meetings of the Panel scheduled between June 2012 and April 2013 (4 shadow and 3 formal) as well as three separate training sessions. All meetings are three hours long, and additional meetings may need to be scheduled, i.e. to finalise the precept.
- 3.6.4 It is anticipated there will be one sub-committee in the first instance which focuses on complaints against the Commissioner but more may need to be set up when the workload of the Panel is more clear.
- 3.6.5 The workload of Panel Members is likely to be equivalent to that of a scrutiny chair. The average payment for this role across the five authorities is £11,716.00.
- 3.6.6 The lead authority have advised that Leaders consider that paying all Panel Members the same allowance is the preferred approach in the interests of fairness, and that allowances for Panel Members will not commence until November 2012 as the Panel does not have any legal responsibilities until the Commissioner has been elected on November 22nd.
- 3.6.7 The Independent Remuneration Panel have therefore been asked to advise on the proposal that these positions attract a Special Responsibility Allowance of £11,716 pa.

3.7 **Administrative arrangements / support and guidance**

- 3.7.1 It is proposed that the Council of the City of Wakefield to be designated as the Support Services Authority for the Panel, which will include promoting the role of the Panel. As part of this arrangement Wakefield's three statutory officers will support the work of the Panel. The three statutory officers are:
- Chief Officer – Chief Executive
 - Chief Financial Officer – Director of Finance and Property
 - Monitoring Officer – Service Director Legal and Governance
- 3.7.2 As part of these administrative arrangements, the Association of West Yorkshire Authorities officers will act as the secretariat to the Panel.

3.7.3 It is also proposed that each Council identify a lead officer to provide support and guidance to its Members on the West Yorkshire Police and Crime Panel, Executive Members of the five Councils, encourage Chief Executives, and officers of the five Councils, in relation to the functions of the West Yorkshire Police and Crime Panel.

3.8 **Costs**

3.8.1 The Home Office have confirmed that it will provide £53,300 per annum (from 1 October 2012) of funding to the support services authority (Wakefield) for secretariat and other administrative support to the Panel.

3.9 By law, it is for the Panel to make **rules of procedure**, which must cover:

- appointment of a Chair;
- method of decision making;
- sub-committees.

4 **Corporate Considerations**

4.1 **Consultation and Engagement**

4.1.2 The Leaders, Chief Executives and Chief Legal Officers of the five West Yorkshire local authorities have all been consulted on the establishment of the West Yorkshire Police and Crime Panel.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 Equalities duty will be included as a key factor in the work of the Panel, in making arrangements for the future scrutiny of the Police and Crime Commissioner, and the appointment of co-opted Members, as required by the 2011 Act.

4.3 **Council policies and City Priorities**

4.3.1 Implementing the reforms required by the 2011 Act effectively will be key in helping the council to deliver its City Priority to make Leeds the best city for communities, in particular the priorities relating to reducing crime levels and tackling and reducing anti-social behaviour.

4.4 **Resources and value for money**

4.4.1 As set out above, the Home Office have confirmed £53,300 per annum (from 1 October 2012) of funding to the support services authority. No additional funding is provided towards set up costs.

4.5 **Legal Implications, Access to Information and Call In**

4.5.1 The establishment of a joint committee enables the Council to meet its statutory responsibility under the Police Reform and Social Responsibility Act 2011. Some of the decisions that will be taken by the joint committee will be by simple majority, but there are certain matters which require 2/3 majority to veto (e.g. regarding the precept or appointment of a Chief Constable).

4.6 **Risk Management**

4.6.1 As reported in the Executive Board report, the Council's appointed project group will consider risk management issues arising from risks to the Council's Community Safety Partnership and the delivery of its promises.

5 **Conclusions**

5.1 The Service Director Legal and Governance for the lead authority has advised that the recommendations represent the most practical solution to meeting the council's statutory responsibilities and to ensure that the arrangements are agreed collectively by the 5 authorities within the timeframe expected by the Home Secretary.

6 **Recommendations**

6.2 That General Purposes Committee recommend to full Council :

- To note the Council's statutory obligation to establish and agree arrangements for the West Yorkshire Police and Crime Panel.
- To agree to form a joint committee with the four other West Yorkshire Councils, as detailed in the report.
- To delegate authority to the City Solicitor to enter into an agreement to formalise the panel arrangements set out in this report, (subject to full Council considering the proposed allowances, further to any recommendation from the Independent Remuneration Panel).
- To appoint the following Members to the Panel:

Labour

Cllr Lowe

Cllr Iqbal

Conservative

Cllr J L Carter

7 **Background documents¹**

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.