

Name of meeting: Annual Council

Date: 23 May 2012

Title of report: Establishment of the West Yorkshire Police and Crime Panel

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No, as it is a decision for Council
Date signed off by <u>Director</u> & name	David Smith, Director of Resources, 15 May 2012
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Acting Assistant Director - Legal & Governance?	Yes
Cabinet member portfolio	Resources, Councillors Pandor and Scott

Electoral [wards](#) affected: All

Ward councillors consulted: None

Public or private: Public

1. Purpose of report

For Annual 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; and to the West Yorkshire Police and Crime Panel agreement and rules of procedure and protocols.

2. Key points

- 2.1 The Police and Social Responsibility Act 2011 (the Act) introduces the election of Police and Crime Commissioners (PCC) and the establishment of Police and Crime Panels for each Police area. Kirklees Council is situated within the West Yorkshire Police area, and together with the four other local authorities in West Yorkshire (Bradford, Calderdale, Leeds and Wakefield) is required to establish a

West Yorkshire Police and Crime Panel (the Panel) and jointly agree the arrangements for its operation. The elections of Police Commissioners will be held on 15th November 2012, and the new Commissioners will take Office on 22nd November 2012.

2.2 The Panel has 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 includes:-

- * 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 the appointment with a 2/3 majority);
- * investigating complaints about the Commissioner.

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.

2.3 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 is reasonably practicable) to:

- * represent all parts of the Police area;
- * represent the political make-up of all authorities; and
- * have the skills, knowledge and experience to discharge the functions of the Panel.

2.4 It is proposed, subject to Home Office approval, that the Panel will include 12 elected Members, drawn from the five West Yorkshire Authorities; with a further two co-opted (independent) Members. The breakdown of local authority membership will be Bradford 3 members, Leeds 3, Calderdale 2, Kirklees 2 and Wakefield 2. The Act also specifies that if an authority has an elected Mayor, then that Mayor is automatically one of the authority's representatives. Subject to the approval of this report and establishment of a Joint Committee, the proposed appointments to the Panel will be included in the report to Annual Council. Political proportionality is required across West Yorkshire, and the Council will be notified following determination by the West Yorkshire Leaders as to which political groups its two Members will be drawn from.

2.5 Administrative support for the Panel will be provided by Wakefield Council.

- 2.6 The Home Secretary has reserved powers under the Act to intervene where local authorities have failed to establish a Panel or failed to nominate members to that Panel.
- 2.7 The agreement and rules of procedure and protocols are attached to this report.
- 2.8 Subject to the approval of this report, a Shadow Police and Crime Panel will be created ahead of the Commissioner's election in November 2012. It is expected that in November the Shadow Panel will simply become the Police and Crime Panel. Until the Commissioner is appointed the Shadow Panel has no substantive scrutiny role and any work that it undertakes will focus on the development of internal and external systems to enable it to carry out its work once the Commissioner takes up his or her role on 22nd November 2012.
- 2.9 The Corporate Governance and Audit Committee of 27 April 2012 considered this matter and agreed to recommend Annual Council to note the statutory obligations, establish the Joint Committee, appoint two Representatives from the Council, and approve the agreement and rules of procedure and protocols documents. The Committee has also called for the Head of Cohesive Communities to attend an early meeting of the Committee to explain the implications for the Safer, Stronger Communities Partnership Board.

3. Implications for the Council

3.1 Financial

The Home Office has agreed funding to cover up to £920 per annum per Member to cover expenses. (Any additional allowances, for example special responsibility allowances to cover roles such as Chair or Deputy Chair of the Panel, will be a matter for each individual Member authority).

3.2 Legal

The establishment of a Joint Committee enables the Council to meet its statutory responsibility under the Police Reform and Social Responsibility Act 2011. The Local Government Act 1972 allows for the creation of a Joint Committee. Some of the decisions that will be taken by the Joint Committee detailed in the Agreement will be by simple majority, but there are certain matters which require 2/3 majority to veto matters (e.g. regarding the precept or appointment of a Chief Constable).

4. Implications for the Safer Stronger Communities Partnership Board

- 4.1 From April 2013, all Community Safety related funding derived from the Home Office will be pooled within the PCC's budget. The PCC will be responsible for determining how these funds are allocated across the West Yorkshire region. The allocation of funding will be informed by the

contents of the Police and Crime Plan, and determined by local commissioning arrangements.

- 4.2 The PCC will be responsible for determining local commissioning arrangements. The Commissioner can choose to become the commissioner of activity or devolve this role to local districts. They will be entitled to offer grants to any organisation they deem appropriate to support the delivery of the Police and Crime Plan.
- 4.3 From April 2013 all funding to support police force costs will come directly through the office of the PCC. The PCC will determine the allocation of all resources to support police activity. This will be undertaken with the support of the force Chief Constable.
- 4.4 A number of funding streams both directly and indirectly will be impacted through the new arrangements. Some initial work has already begun to understand this and it is crucial that the partnership going forward has a clear understanding of which areas could be potentially influenced by the incoming PCC.

5. Consultees and their opinions

The Leaders, Chief Executives and Legal Officers of the five West Yorkshire local authorities have all been consulted on the establishment of the West Yorkshire Police and Crime Panel and associated Terms of Reference and Protocols and Procedures, and are in agreement.

6. Next steps

- 6.1 The administrative authority (Wakefield) will be notified of the Council's decision and of its nominated representatives.

7. Officer recommendations and reasons

- 7.1 That, as recommended by Corporate Governance and Audit Committee and in order to meet 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, Annual Council be recommended to:

- (a) Note the Council's statutory obligation to establish and agree arrangements.
- (b) Form a Joint Committee with the four other West Yorkshire Councils, as detailed in the report, and that nominations to fill the Council's two places on the Joint Committee be referred to the Group Business Managers, following advice from the West Yorkshire Leaders.
- (c) Approve the agreement and rules of procedure and protocols documents.

8. Cabinet portfolio holder recommendation

Not applicable

9. Contact officer and relevant papers

Vanessa Redfern 01484 221720, Adrian Johnson 01484 221712

Background Papers: Report submitted to Corporate Governance and Audit Committee of 27 April 2012.

10. Assistant director responsible

Vanessa Redfern, Acting Assistant Director, Legal Governance and Monitoring.

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15 May 2012