

COMMUNITY & SAFER CITY SCRUTINY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre, Committee Room No. 1, on
Tuesday, 10th January, 2012 at 5.30 p.m.

Membership

Cllrs Anderson, Copeland, Curran, Emerson, Essl, Forbes, T. Martin, Scaplehorn, Thompson,
D. Trueman and Wiper

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E. WAUGH,
Head of Law and Governance.
Civic Centre,
SUNDERLAND.

30th December, 2011

**Date of Next Meeting: Tuesday 21st February, 2012 at 5.30pm in the Civic
Centre, Committee Room No.1**

At a meeting of the COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE held in the CIVIC CENTRE on TUESDAY, 6th DECEMBER, 2011 at 5.30 p.m.

Present:-

Councillor T. Martin in the Chair

Councillors Curran, Emerson, Essl, Forbes, Scaplehorn, Thompson, D. Trueman and Wiper

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Anderson and Copeland.

Minutes of the Last Meeting held on 18th October, 2011

Councillor Thompson stated that he had actually referred to a power struggle between senior politicians and senior police officers; not that the police were struggling as had been recorded on page 8 of the minutes.

1. RESOLVED that the minutes of the last meeting of the Committee held on 18th October, 2011 be confirmed and signed as a correct record subject to the inclusion of the above amendment.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest.

Community Cohesion Policy Review 2011/12: Evidence Gathering

The Chief Executive submitted a report (copy circulated) which provided Members with feedback on the attendance of Members at the Show Racism the Red Card event at the Stadium of Light and also provided feedback from the Members visit to Durham Prison.

(For copy report – see original minutes)

Jim Diamond, Scrutiny Officer, presented the report and drew Members attention to the information which was contained in the report relating to the Show Racism the Red Card event and the Members visit to Durham Prison.

The Chairman commented that the Show Racism the Red Card event was an excellent way of getting the message across to the young people in the city. It had been a fantastic event and had got the best out of the young people who had attended. He hoped that the good work would continue.

Councillor Wiper stated that he had been impressed by how the workshop had been run.

The Chairman circulated a short report detailing his views on the visit to Durham Prison which had taken place. He had noticed that there was a relaxed, friendly atmosphere however there was a lack of privacy and space in the cells. The educational facilities were excellent; there was an ICT suite where prisoners were being taught computing skills as well as training to enable them to apply for work once released. There was also training in practical skills such as bricklaying.

Councillor Emerson commented that there was a lot of work was put into providing support for prisoners who were approaching the end of their sentence. The prisoners doing the bricklaying course were working towards their NVQs and a lot of them wanted to be able to continue this training after being released in order to achieve the higher level NVQs.

Councillor Curran commented on how good he felt the education and ICT facilities were.

Councillor Scaplehorn stated that it had been good that there had not been any restrictions placed on the visiting Members and that they had been able to freely talk to the prisoners. It had been a real eye opener to see the conditions within the prison; especially how small the cells were and the lack of privacy.

The Chairman added that this was a limitation of the prison being a Victorian Prison however the facilities were excellent.

2. RESOLVED that consideration be given to the updates which are to be included in the Committee's Policy Review into Community Cohesion.

Performance Report Quarters 1 and 2 (April – September 2011)

The Chief Executive submitted a report (copy circulated) which provided the Committee with a performance update for the period April to September 2011.

(For copy report – see original minutes)

Kelly Davison-Pullan, Lead Officer for Corporate Performance, presented the report and advised that the way performance was monitored had changed. The government had deleted the National Indicator Set and it was intended that

authorities would be more self regulating using local priorities as the basis for the reporting.

The Appendix to the report detailed the indicators which were relevant to this Committee and provided the figures on the performance against these indicators.

The Chairman queried the reference to feelings of safety within communities and the city as a whole. Julie Smith, Associate Policy Lead for Community Safety, advised that people found it easier to relate to their local area and as such felt safer than when looking at the city as a whole when they based their feelings on their perceptions of the city; as it was harder for people to relate it was more difficult for them to state whether they felt safe or not. There had been improvements in safety in the city since 2008. The residents had been surveyed by using a system of telephone surveying.

The Chairman then asked about the massive increase in reoffending by young people which the figures showed. Ms Davison-Pullan advised that for 2010/11 there had been a reduction in reoffending. There had been a significant reduction in the number of young people who had entered the criminal justice system.

The Chairman then referred to the stable performance for the percentage of offenders who at the end of their probation period were in employment; he felt that this was excellent especially given the current economic conditions which made it harder for people to find employment.

Ms Smith advised that there had been a lot of work around reducing offending and getting offenders into employment, education or training. The staff at the job centre were working with offenders to help them to gain employment.

Councillor Scaplehorn commented that this was a very positive report. In Washington there had been noticeable improvements in visual policing over the last 2 years; he hoped that the good work would continue across the city.

Councillor Emerson stated that the Neighbourhood Policing Teams did an excellent job and that residents felt safer when the teams were patrolling. He felt that there was a need to look into the possibility of increasing the coverage of the teams. He also stated that young people had raised the same concerns as adults around feelings of safety.

3. RESOLVED that the performance update be noted.

Emergency Planning and Business Continuity Update

The Chief Executive submitted a report (copy circulated) which provided Members with an overview of Emergency Planning and Business Continuity and explained how the Council met its statutory requirements under the Civil Contingencies Act 2004.

(For copy report – see original minutes)

Barry Frost, Security and Emergency Planning Manager, presented the report and advised the Committee of the roles of central government, the Northern Resilience Team, Northumbria Local Resilience Forum and the Council; details of the work of the different organisations being detailed in section 3 of the report.

Mr Frost also advised of the Council's current position in the three main areas they were required to take responsibility for under the Civil Contingencies Act 2004 and advised Members of some of the plans the Emergency Planning and Business Continuity Team were responsible for.

In response to queries from Councillor Wiper, Mr Frost advised that there were close links with Members and the Community. In the event of an incident the Emergency Planning and Business Continuity Team would respond immediately and would keep the Chief Executive informed of all developments. The Chief Executive would then liaise with the Leader of the Council.

The Chairman queried how the team communicated with other agencies and was informed by Mr Frost that there were radios and direct telephone lines which could be used to contact the necessary agencies.

4. RESOLVED that the report be received and noted.

The Neighbourhood Helpline

The Executive Director of City Services submitted a report (copy circulated) which provided the Committee with an overview of the work of the Neighbourhood Helpline.

(For copy report – see original minutes)

Liz St Louis, Head of Customer Service & Development, presented the report and advised Members that the Neighbourhood Helpline had come about as an evolution of the 101 non emergency number and had been set up in partnership with Newcastle City Council. In April 2011 Newcastle had withdrawn from the partnership however Sunderland had continued to provide the service.

Councillor Scaplehorn commented that last year there had been some concerns over calls not being logged properly; there had been an assurance given that changes would be made. He asked whether the changes had been implemented.

Ms St. Louis advised that the procedures had been changed and there were now very strict rules in place to ensure that all issues raised were properly addressed.

In response to a query from Councillor Curran, Ms St. Louis advised that there were strict timescales for responses.

The Chairman recounted some of his experiences of using the service. A resident had contacted him regarding a street light which was not working in a back lane in the Long Streets area and had lead to vandalism due to the dark area created. The

issue had been dealt with extremely quickly after being reported using the neighbourhood helpline.

5. RESOLVED that the report be received and noted.

Work Programme 2011-12

The Chief Executive submitted a report (copy circulated) which provided, for Members information, the current work programme for the Committee's work for the 2011-12 Council year.

(For copy report – see original minutes)

6. RESOLVED that the work programme be received and noted.

Forward Plan – Key Decisions for the period 1 December 2011 – 31 March 2012

The Chief Executive submitted a report (copy circulated) to provide Members with an opportunity to consider those items on the Executive's Forward Plan for the period 1 December 2011 – 31 March 2012 which relate to the Community and Safer City Scrutiny Committee.

(For copy report – see original minutes).

The Chairman advised that there were no items on the current forward plan which fell under the remit of the Committee.

7. RESOLVED that the report be received and noted.

(Signed) T. MARTIN,
Chairman.

**COMMUNITY COHESION POLICY REVIEW
2010/11: EVIDENCE GATHERING**

REPORT OF THE CHIEF EXECUTIVE

STRATEGIC PRIORITIES: SP3: SAFE CITY

CORPORATE PRIORITIES: C101: Delivering Customer Focussed Services, C102: Being 'One Council', C103: Efficient and Effective Council, C104: Improving partnership working to deliver 'One City'

1. Purpose of Report

- 1.1 To receive further evidence in relation to the Committee policy review into the development of Community Cohesion in Sunderland, including:-
- a) a report on the ARCH hate incident reporting system which has been operating in Sunderland since November 2007;
 - b) a presentation on the background and operation of the Equality Forums (previously known as Independent Advisory Groups) which provide opportunities for hard to reach people and a method of gathering intelligence on some of the short, medium and long term threats to equality and cohesion in Sunderland;
 - c) an update on the current position with regard to the Government's proposed Integration Strategy.

2. Background

- 2.1 On 7 June 2011, the Committee agreed to undertake a policy review into the actions and interventions being taken by the Council and its partners in relation community cohesion and how national policy will impact on the city.
- 2.2 Members chose this area in view of the importance attached by local people to the related issues of improving employment opportunities, tackling poverty, improving educational attainment, securing better housing and improving sport and cultural activities.
- 2.3 It was agreed that the policy review should include consideration of the following themes:-
- the background and policy context for the development of community cohesion at a national and local level;

- the priorities for a future refresh of the Sunderland Partnership Community Cohesion Strategy;
- the range of community cohesion interventions in the city across a number of themes including young people, sport and cultural activities, education, housing and planning, community safety and policing and ethnic and minority groups;
- the policies and programmes of the Council, its partners and the community and voluntary sector which can help bring people together across the city and build bridges between communities;
- the range of interventions being taken to tackle tensions for example between older and younger generations within neighbourhoods and communities;

3 ARCH Hate Reporting System

Background

- 3.1 The ARCH hate incident reporting system has been operating in Sunderland since November 2007. Victims and witnesses of racist, religious, homophobic, transphobic and disability hate incidents are able to report incidents to ARCH. Victims can then be offered support and action can be taken against perpetrators.
- 3.2 Over 20 partner agencies from across the statutory, voluntary and community sector are now part of the ARCH Partnership. These agencies act as reporting centres, referral agencies or both.
- 3.3 ARCH is coordinated by the People and Neighbourhoods Team (part of the Council's Strategy, Policy and Performance Management function) and reports to the Safer Sunderland Partnership Board.
- 3.4 ARCH is part of a Tyne and Wear network, with all 5 local authorities using the ARCH system to monitor hate incidents and community tensions in their local areas.

Effects of Hate Incidents

- 3.5 It is estimated that at least a third of the population of Sunderland may be at risk of experiencing a hate incident. The negative effects of hate incidents on people and communities cannot be underestimated.
- 3.6 Hate based harassment is never an isolated incident. Victimisation is a process of accumulated negative experiences that affect day-to-day decisions and exert a detrimental impact upon people's lives. It becomes part of their routine and influences all aspects of their life including personal relationships, family and children, health and well-being and feelings of security, comfort and confidence. In being victimised people become isolated, both socially and economically. They may be scared to leave the home, or scared to stay at home. They become preoccupied with the harassment, constantly changing

their everyday behaviour as they try to continue an ordinary life. Partners will argue amongst themselves, blaming one another. Children's eating and sleeping patterns will be disturbed; their education suffers. Families often receive medical treatment for the effects of harassment, varying from depression to post-traumatic stress disorder. People in these circumstances are less able to function as normal members of society and this restricts their ability to contribute to their own economic growth and that of the local neighbourhood.

- 3.7 The monitoring of hate incidents and tensions in communities in Sunderland is extremely important in the building of resilient communities. It also needs to be understood and considered when working on other strategies and policies.

Snapshot of ARCH data

- 3.8 There have been 971 hate incidents reported to ARCH from November 2007 – August 2011.
- 3.9 Around 75% of incidents reported involve verbal abuse and 38% threatening behaviour. These include the types of incidents reported by shopkeepers or takeaway workers who are often verbally abused by customers; people being verbally abused or feeling threatened in the street or at/outside their on home. Attack on person (17%) and attack on property (11%) together make up nearly a third of incidents reported. These range from unprovoked attacks in the street to repeated damage to homes or businesses. All of these incidents have a very negative effect on victims, their families and local communities.
- 3.10 There is anecdotal evidence to suggest that many incidents still go unreported, particularly by people experiencing hate incidents on a daily basis. ARCH hopes to put more work into encouraging victims and witnesses to report hate incidents so that we can get a better picture of what is happening in local areas.
- 3.11 Of the 5 regeneration areas the East area contains the majority of incidents reported, mostly due to the fact that many BME people live in this area. However, around a quarter of incidents take place in the North area. Under the dispersal system there are a number of asylum seekers housed in this area as well as international students studying at the University. There are also a number of corner shops and takeaways with BME staff, some of who have been repeat victims. The Coalfield, West and Washington areas have experienced similar numbers of incidents; however, proportionally BME people in the Coalfields area are more likely to experience a racist incident than those in the West and Washington. All of these trends have been fed into the area based cohesion networks so that they can look at what interventions are needed in specific areas. The majority of hate incidents reported to ARCH have been racist, however, there are an increasing number of other hate incidents now being reported which means targeted work can be done around other areas of harassment.

- 3.12 Looking at data by ward level, Hendon and Millfield wards contain the highest numbers of hate incidents reported. St Michael's, St Peter's, Houghton, Southwick, Washington North, Barnes and Castle have also had a high number of incidents reported. This could be due to various factors. Some of these wards have an increasing BME population. A section of three wards also form part of the city centre in which there are many incidents involving perpetrators having consumed alcohol.

However, as previously discussed there is still under reporting of hate incidents in Sunderland particularly from victims in the younger age bracket. Additionally, the reporting of disability hate incidents has only just begun so again this may change the picture of where incidents are reported.

Increasing the Reporting of Hate Incidents

- 3.13 There has been an increase in reporting (particularly through non-police routes) year on year. However, underreporting of hate incidents is still an issue in Sunderland. There are a number of reasons why people do not report harassment, these include among others: not knowing what a hate incident is, what happens once it is reported or what support is available. It is a long term process to increase the confidence of communities to report hate incidents including those that they have witnessed.
- 3.14 The recent Equality and Human Rights Commission's (EHRC) inquiry into disability-related harassment suggested that disabled people are disproportionately affected by antisocial behaviour and are more likely to be harmed by it. It also stated that the scale of the problem is not adequately recognised.
- 3.15 Young people who are victims of hate incidents are also particularly under represented in the statistics, although from anecdotal evidence we know that young people are experiencing hate incidents sometimes on a daily basis. Without a full picture of what is happening to people in Sunderland we may target interventions or resources into the wrong area.
- 3.16 There are a number of key further actions for the future:-
- Work with communities and vulnerable groups around their understanding of what a hate incident is; what happens once it is reported; what support is available to victims of harassment and the importance of reporting for intelligence information;.
 - Increase reports made by witnesses of hate incidents;
 - Increase reports of disability hate incidents (launched Nov 2011);
 - Roll out ARCH into schools and youth projects.

Monitoring and analysis of ARCH statistics and community tensions

- 3.17 The statistics gathered by ARCH enable a more accurate picture of the extent of hate incidents in the city and provide a baseline from which to work with. Trends and patterns can be analysed and compared with other data coming through the Intelligence Hub to see if peaks or troughs of incidents are symptomatic of wider community problems. These statistics are a valuable tool for monitoring tensions in Sunderland, enabling the sharing of particular community intelligence information with partner agencies and therefore allowing them to be more proactive in identifying tension hotspots. ARCH is already well placed to be the single point of contact for this information.
- 3.18 In this area, there are a number of key further actions for the future:-
- Raise awareness of ARCH being the single point of contact for tension monitoring information.
 - Improve ARCH data analysis and continue to feed into area based groups for short, medium and long term interventions.
 - Run joint ARCH/Prevent training sessions to appropriate frontline staff so that any community tension information can be gathered and passed on to the appropriate officers across the Council and Sunderland Partnership.
 - Ensure ARCH statistical analysis is considered by partners when producing strategies and policies e.g. Economic Masterplan – Sunderland aims to become a University City - but if foreign students experience racist incidents it may be difficult to achieve without other interventions.

Partnership Working

- 3.19 ARCH needs to build upon its partnership working success by involving more organisations in the reporting, recording and challenging of hate based harassment, including the private sector. The partnership approach means all agencies in Sunderland are using a common monitoring system and intelligence can be gathered at a central point. ARCH is an example of best practice in partnership approaches to tackling hate and prejudice.
- 3.20 Now that all five Tyne and Wear local authorities use ARCH, we are in a much more influential position to work at a regional level in regard to combating hate incidents. Work is ongoing with Nexus and public transport providers to produce a regional strategy to increase people's safety on public transport and provide clear guidance to frontline staff. Again, this links to the EHRC inquiry which highlights the anecdotal evidence that disability-related harassment is a major problem on public transport. Regionally ARCH is also looking at key performance measurements to make sure that there is a standard approach to tackling hate throughout the region.
- 3.21 The Institute of Community Cohesion's Review of Sunderland stated that the Sunderland Partnership and the City Council need to be far

more up-front in challenging negative myths, rumours and stereotypes and promoting the benefits of Sunderland being a more open, welcoming and inclusive City. It recommended that this should be done on an everyday basis by elected Members and members of the Partnership Board. Partnership working and tackling all forms of discrimination will help challenge myths and promote equality in the City.

3.22 Key further actions in this area includes:-

- Formalise links with cohesion networks to promote a partnership approach to tackling hate crime.
- Continue to work as ARCH Tyne and Wear to influence regional priorities around hate crime.
- Work with elected Members to increase awareness of ARCH and their role within area based partnerships.

Operation of the Equality Forums

4.1 A detailed presentation will be provided at the meeting on the background and operation of the Equality Forums

4.2 The Equality Forums (previously known as Independent Advisory Groups) are networks made up of various engagement routes. They are designed to provide opportunities for hard to reach people to have their say in a way that is accessible to them. Through a dedicated co-ordinator, issues regarding barriers to equality and cohesion are collated and fed up through the partnership structure to the Inclusive Communities Group. Here, issues from the Equality Forums and the area based Community Cohesion Groups are discussed, this allows for a broader picture of need to be understood. Partners, including the Council can then identify possible solutions in response.

4.3 These networks prove invaluable in gathering intelligence on some of the short, medium and long term threats to equality and cohesion in Sunderland. However engagement with hard to reach people continues to be a real challenge.

5 Integration Strategy

5.1 It is anticipated the Government will be launching an Integration Strategy early in the New Year. The strategy is likely to see a distinct shift in language in this area. Instead of language referring to 'promoting local community cohesion' it is understood language will shift to 'promoting integration' and 'tolerance', integration meaning creating the conditions for everyone to play a full part in national and local life.

5.2 An update will be provided on the current position with regard to the Strategy and subject to the publication of the strategy further

information will be brought to Scrutiny Committee at the January or February meetings.

6. Recommendations

- 6.1 Members are recommended to consider the report which will be included as part of its policy review into community cohesion.

7. Background Papers

Sunderland Partnership – Community Cohesion Strategy 2008-2015

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**POLICE REFORM AND SOCIAL
RESPONSIBILITY ACT 2011 - UPDATE**

REPORT OF THE CHIEF EXECUTIVE

STRATEGIC PRIORITIES: SP3: SAFER CITY

CORPORATE PRIORITIES: CIO1: Delivering Customer Focussed Services, C102: Being 'One Council', C103: Efficient and Effective Council, C104: Improving partnership working to deliver 'One City'

1. Purpose of Report

- 1.1 The purpose of the report is to provide an update on the Police Reform and Social Responsibility Act 2011 and its implications for the Council.

2 Background

- 2.1 In setting its work programme for the year, the Committee requested that it receive regular progress reports on the implementation of the Police Reform and Social Responsibility Act 2011.
- 2.2 Stuart Douglass has been invited to the meeting to provide an overview of the current position with regard to the Act and the implications for the Council.
- 2.3 This will include consideration of the new Policing Protocol which sets out how the new policing governance arrangements will operate in practice and clarifies the respective roles and responsibilities of Police and Crime Commissioners (PCC's), Chief Constables and Police and Crime Panels (PCP's).
- 2.4 A copy of Guidance recently produced by the Centre of Public Scrutiny is attached for information, together with a document produced by the Home Office on the role of the Police and Crime Commissioner.

3 Current Position

Police and Crime Commissioners

- 3.1 The Act includes the provision for the election of a Police and Crime Commissioner (PCC) for each police force area. With the exception of London, which already has its PCC (via the Mayor of London), the

public elections for PCCs in the remaining 42 police forces in England and Wales will take place on 15th November 2012

- 3.2 The role of a PCC is intended to increase the accountability of the police and strengthen the link between police and communities.
- 3.3 The PCC will replace the local Police Authority. This means that Northumbria Police Authority will be abolished and replaced by a single individual.
- 3.4 The PCC will:
- be responsible for appointing their Chief Constable and holding them to account
 - determine local policing priorities, produce and publish a five year Police and Crime Plan, set a local precept and force budget
 - have the power to make community safety grants
 - become Responsible Authorities under the Crime and Disorder Act 1998 to work with Criminal Justice System (not Community Safety Partnership as this will only be a reciprocal duty to co-operate)
 - be able to appoint a deputy PCC
 - have to appoint a chief of paid staff (i.e. a chief executive) and a chief finance officer. They can appoint admin and other posts if they wish. The funding for these posts will come from their overall budget. They will have to publish details of the functions and costs of their staff.
- 3.5 In order to minimise bureaucracy and prevent disruption to programmes, Ministers have decided that existing arrangements for community safety and partnership funding will continue during 2012-13, but will be provided to PCCs from 2013-14

Police and Crime Panel (PCP)

- 3.6 Police and Crime Panels (PCPs) will be made up of a maximum of 20 representatives, consisting of 10 elected members and a minimum of 2 co-opted members. Each local authority in the police force area will have a seat on the panel. Any remaining seats can be filled so as to reflect the political make-up of the area.
- 3.7 The key role of the PCP is to:
- Scrutinise the work of the PCC and hold the PCC to account in the shape of an annual report, the police and crime plan, HMIC reports

and other reports on activity, as and when these are necessary (and shared with councils)

- Play a supporting role to the PCC.
- 3.8 The panel has no decision-making role other than the vetoes. The panel can veto the chief constable selection and removal and can veto the precept. The threshold for exercising the power of the veto over the commissioner's precept is two thirds.
- 3.9 The PCP can appoint an acting PCC from within its own ranks, should there be a vacancy.
- 3.10 The panel can invite the Chief Constable to panel meetings with the PCC.
- 3.11 The panel are to be engaged in the appointment of the deputy PCC, their chief officer and their chief finance officer.
- 3.12 Secondary legislation on police and crime panels, particularly in relation to their powers of veto over the police and crime commissioner's proposed precept, and appointment of a chief constable and the process through which the Home Secretary can establish a panel, will be published in March 2012.
- 3.13 In order to support the process, the Home Office will also run a series of regional road-shows in January 2012.

4 Recommendation

- 4.1 That the report be noted and the Committee continue to receive periodic updates on the progress of the Act.

Police and crime panels

Guidance on role and composition



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Foreword

Having produced a short guide to police and crime commissioners for local authorities, the LGA thought it would be useful for councils to have more detailed and in-depth guidance to setting up a police and crime panel. This guide therefore explores some of the technical issues around establishing a panel, ahead of the guidance the Home Office will be producing later this year.

Although November 2012 seems a long way ahead, we anticipate that the Government will expect to see police and crime panels up and running ahead of the elections for police and crime commissioners. If councils are not in a position to do that then the Home Secretary has the power to set up a panel. We all want to avoid that, so councils will want to have plans in place for their panels by the summer of 2012.

Before then there are a number of issues that councils will need to work through with their neighbours in their force area. Some areas will swiftly arrive at agreed solutions, others may take longer. We hope that this guide facilitates that work, and of course if councils need assistance then the LGA and Centre for Public Scrutiny will be only too happy to help.

Cllr Mehboob Khan

Chair of the LGA's Safer and Stronger Communities Board

Text note

This guidance has been drafted by CfPS and LGA and as such reflects their views on the recent policy and legislative developments in relation to police and crime panels. It is not a reflection of the views of the Government or of civil servants at the Home Office who will be issuing official guidance on police and crime panels in due course. Insofar as is possible it has been drafted so as to complement official guidance.

The guidance is not intended to be prescriptive in nature. It sets out issues that local authorities and police authorities should consider in planning for November 2012, and outlines the arguments for and against certain courses of action. However, it will be necessary for decisions on these issues to be taken locally, rather than for solutions to be asserted from the centre in a way that may not be appropriate in some areas.

1. Introduction

1.1

The Police Reform and Social Responsibility Act 2011 brings in new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and policing accountability. Principal among these changes will be the election of police and crime commissioners, the first of which will take place in November 2012.

1.2

Other than through the ballot box by local people, police and crime commissioners (PCCs) will be held to account by a police and crime panel (PCP), which will be composed of locally elected councillors along with some lay members. The commissioner, in turn, is responsible for holding the chief constable to account. This guidance focuses on the composition and role of these panels and examines how their work will link in to the wider policing improvement agenda.

1.3

The Government intends that arrangements will be developed locally. This guidance reflects existing Government policy and will complement guidance to be produced by the Home Office. It is intended to provide a summary of the key issues that both local authorities and police authorities should address in establishing accountability arrangements for the PCC.



2. Legislative context

2.1

PCCs and their role are defined by Chapters 1 and 3 of the Police Reform and Social Responsibility Act. They will be directly elected by a local vote in November 2012.

The term of office is four years, and it is the government's intention that subsequent elections will be held on the date of ordinary elections in the area. PCCs will be responsible for:

- securing an efficient and effective police force for their area
- producing, and consulting on, a five year police and crime plan, in consultation with the chief constable, which sets the police and crime objectives for their area. The chief constable must have regard to this plan in his or her work (the meaning of 'have regard to' is not defined in the Act)
- holding to account the chief constable, including the power to hire and fire
- publishing certain specified information/datasets including an annual report (precise contents to be confirmed in secondary legislation by the Home Secretary)
- setting the annual force budget and police precept
- requiring the chief constable to prepare reports on police matters, on request.

2.2

The Home Office is expected to produce regulations and guidance for PCCs around the conduct of these duties. More detail can be found in section 9 of this guidance.

2.3

The expectation is that PCCs will want to work closely with partners and that partnership working will be important if they are to operate effectively. Under s10 of the Act, the PCC has to co-operate with local community safety partners to achieve the objectives of the police and crime plan. The PCC must also work with criminal justice bodies (defined in s10(5)) to make arrangements for the efficient transaction of criminal justice policy in the force area. The role and functions of the PCP should be considered in the light of these important co-operation requirements.

2.4

The main provisions on police and crime panels can be found in Schedule 6 of the Act.



3. Role and functions: the law

3.1

The PCP is a scrutiny body. It exists to scrutinise the police and crime commissioner, to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions (s28(2)). Some of its functions will include:

- contributing to the development of the PCC's police and crime plan (on which it is a statutory consultee – the PCC must have regard to the PCP's views on the draft plan) (s28(3) and s5(6)(c))
- scrutinising the PCC, and receiving evidence from the chief constable (by invitation), at 'set piece' events at certain points in the year (s28(3) and (4) in particular)
- reviewing the PCC's proposed precept (Schedule 5)
- receiving evidence in person from officers of the PCC's secretariat (s29(1)), although powers to require information do not extend to receiving 'advice' given by the PCC's secretariat to the PCC (s29(2)). Some other restrictions on the kind of information which can be provided to the PCP by the PCC can be found in s13
- reviewing the PCC's proposed appointments of chief constable, chief executive, chief finance officer and deputy police and crime commissioner and holding public confirmation hearings for these posts (Schedule 1)
- making reports and recommendations on matters relating to the PCC, on which the PCC is obliged to provide a response (s29(3))
- carrying out investigations into decisions made by the PCC (s28(6)), and into topics of particular interest, or public concern. This is not a statutory function (the Act does not require it), but may be necessary in order to effectively carry out the rest of the PCP's business
- an informal role in investigating complaints about non-criminal behaviour of the PCC, without any explicit powers to investigate (draft regulations)
- making comments on the PCC's annual report at a public meeting to be held as soon as possible after the publication of that report (the public meeting will also provide the PCP with an opportunity to directly question the PCC on the annual report) (s28(4)).

Some of these powers (those not designated as 'special functions' – see 5.21 below) may be delegated to a sub-committee of the PCP, at the PCP's discretion.

The functions and procedural rules for the operation of the PCP will need to be set out in 'panel arrangements' and 'rules of procedure'. These are explained in more detail in section 4.

3.2

The PCP will have the power to suspend the PCC if he or she is charged with an offence that carries a maximum prison term of more than two years (s30).

3.3 Consulting the public

The PCC has a duty to have regard to the opinion of local people in developing policy (s14), which links with the PCC's obligation to make certain kinds of information public under s11.

3.4

The PCP has no statutory role in consulting the public, and it is important to ensure that it does not duplicate the PCC's role. Notwithstanding these caveats the PCP could play a role in supporting the process of gathering public opinion. In the course of other investigations, for example, the PCP may have cause to speak to members of the public – and it may wish to draw on public opinion gathered elsewhere in the course of its statutory, and non-statutory, duties. The PCP could also ask the PCC for information on the methodology, approach and results of public consultations.

3.5

The detail of how public engagement and involvement will be managed and planned by partners across the community safety landscape could be set out in a protocol between the relevant partners (see section 5.7).

3.6 Information sharing

The PCP will be a formally-constituted joint committee of all the authorities in the force area, where there is more than one authority in the force area. The committee will be bound by Schedule 12A of the Local Government Act 1972, as amended by the Freedom of Information Act 2000 regarding the publication of agendas, minutes and reports. This will include information provided by the PCC and other community safety partners.

3.7

The PCP has the right to any information which it may reasonably require to carry out its functions, with some minor exceptions relating, for example, to safety and operational policing (s13). 'Reasonably require' is not defined, and it may be that PCPs themselves will need to come to an agreement with the PCC (possibly through the use of a protocol, discussed below) about what this will mean in practice.

3.8

There may, however, be instances where the PCC provides the PCP with information but requests that the information is not published by the PCP. There are long-standing rules covering councillors' consideration of exempt information. Any issues arising from the PCC's request that information is not published, set against councils' duty to operate in an open and transparent manner, will need to be resolved; either on a case-by-case basis, or through a protocol between the PCC and PCP (see below) that deals with the issue of data sharing in more detail.



3.9

In all instances the presumption should be in favour of openness and transparency.

3.10 Refusing to provide information

A refusal by the PCC to provide information would need to demonstrate that the request falls entirely within the bounds of the excluded classes of information identified in the Act (see 3.6 above). Where a request falls partially in, and partially outside, one of these classes, any information which can legally be published, should be.

3.11

Where there is a dispute on the law, a discussion between the chair of the PCP and the PCC about the reasons for refusal, and the reason why the PCP wishes to have the information, could produce agreement. Under such circumstances, an undertaking could be given by the PCP that the information is not disseminated further. A protocol between the PCC and PCP could help to resolve such disagreements (see section 5.7).

3.12 Financial reporting and audit

The PCP will have some duties around formal audit, which focus on the consideration of finance reports. Schedule 16, s189 of the Police Reform and Social Responsibility Act inserts a new s115(1B) – (1G) of the Local Government Finance Act 1988, which means that finance reports will be sent to individual members of the PCP following their preparation.

3.13

This provision of information to individual members does not naturally confer a right for the PCP to become directly involved in audit discussions, but it will provide useful background information for the PCP in the carrying out of its statutory functions. It may be felt appropriate, in some areas, for the PCP to formally receive certain financial or audit reports, including accounts, in the interests of openness.

3.14

It may, however, be felt that audit and corporate governance should stay entirely separate (other than is specifically provided for in statute), being governed by internal systems inside the PCC's own secretariat, and within the force itself, as held to account by the PCC.

3.15

To carry out its statutory functions, it will be important for the PCP to see certain key documents – the statement of accounts, budget reports and budget monitoring reports, for example. However, the way in which this, and wider issues around financial reporting, are dealt with in a more general sense will need to be subject to local discretion and agreement.

3.16 Complaints

The PCP has certain duties (under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011) relating to the recording and investigation of complaints about the PCC or other office-holders that relate to non-criminal behaviour. Complaints about criminal behaviour are managed by the Independent Police Complaints Commission, who will keep the PCP informed when investigations are being carried out.

3.17

Non-criminal complaints can be considered through a hearing, through the examination of relevant documents provided by either party, and/or through other informal means. Individual PCPs will probably want to work with PCCs, to put in place a simple, clear and transparent process to expedite complaints and to ensure that complaints' systems are transparent. This will also enhance efficiency. It should be noted that, where complaints need to be considered by the PCP, there will be inevitable resource implications for the lead authority. These should be considered in the context of section 5.26 onwards of this guidance, which considers resources in more detail. Generally speaking, the consideration of an individual complaint by the PCP should be a rare occurrence.

3.18

It could also be thought appropriate for the PCP to have oversight of the complaints process operated by the force and the PCC (but not individual complaints, and subject to the existing accountability relationship between the PCC and the chief constable).

4. Panel arrangements and rules of procedure

4.1

The authorities involved in contributing to the PCP, by virtue of being in the relevant force area, must make ‘**panel arrangements**’ and ‘**rules of procedure**’ for the PCP. These are separate documents that will need to be agreed by all the local authorities in the force area.

4.2

The **rules of procedure** should cover (paragraph 25 of schedule 6 of the Police Reform and Social Responsibility Act):

- chairing (including appointment, removal and resignation of the chair) (compulsory) (see 5.2 onwards)
- the formation of sub-committees (compulsory) (see 5.20 onwards)
- the making of decisions (compulsory) (see 5.20 onwards)
- arrangements for convening meetings (see 4.4 – meeting administration will, for ease of working and to reflect the fact that the PCP will be a local authority joint committee, probably closely mirror standard committee management arrangements for local authorities)
- systems for circulating information in the run up to, after, and between meetings (see 3.6 onwards)
- promotion of the work of the PCP.

4.3

The **panel arrangements** should cover all other aspects of the PCP’s operation. The Act sets out (principally, in paragraph 24 of schedule 6) specific requirements which **must** form part of the panel arrangements. These include:

- arrangements about the appointment of co-optees: (see section 6.1)
- how the relevant authorities will make provision for resourcing the PCP, and how such funds will, if necessary, be disbursed between the authorities (see 5.26 onwards)
- provision around co-option (see 7.12 onwards)
- terms of office, appointment, resignation and removal of members of the PCP (see 7.14 onwards)
- payment of allowances (see 7.18 onwards).

4.4

It is likely that both the panel arrangements, and the rules of procedure, will in most areas closely reflect existing local government practice on the running of committees. This is because panels will be formal joint committees of the councils in the force area.

4.5

For the purposes of this guidance, issues have been divided into two separate groups; those that will be dealt with in the panel arrangements and the rules of procedure,— **roles and functions** (covering the business

of the PCP, and how it will operate) (see section 5 of this guidance); and **composition** (covering who will sit on the PCP) (see section 6 of this guidance).

4.6

Particularly relating to the role and function of the PCP, there are additional issues, not specified in the Act, which will nonetheless need to be considered as part of the panel arrangements. These are considered in more detail in section 5.

4.7

There will inevitably be some crossover between the issues covered by the rules of procedure, and the more general 'panel arrangements'. It is advisable that the two separate documents should be considered together when systems are being designed and developed.



5. Roles and functions: issues to consider

5.1

Decisions on these issues should be carried out **before** any decisions are made about the composition of the panel. The role of the panel must influence its composition.

- Which authority will lead/chair?
- How will we set out the panel arrangements and rules of procedure?
- How will the panel, the PCC and other local community safety partners define their interrelationships?
- In particular, what will be the division of responsibilities between the PCP (at force level) and local crime and disorder scrutiny committees (at local level)?
- Will the panel's focus be mainly reactive scrutiny, or proactive policy development (the nature of the PCP's role suggests that both will need to be carried out, but the balance will need to be decided)?
- How will the public be involved?
- How will decisions be made?
- How will the panel be supported and resourced?

These issues will all be dealt with in the sections below, other than involving the public, and the panel arrangements which have already been discussed in sections 3 and 4 respectively.

5.2

Which authority will lead/ chair?

This is the first decision that needs to be made by local authorities in the force area. The police and crime panel will be a formal joint committee of all the authorities in the force area. However, a judgment will have to be made as to which council will lead, for the purposes of planning and delivery of the PCP's work programme, the selection of a chair (possibly, but not necessarily, from the lead authority) and the provision of accommodation and officer support. Home Office resourcing (see below) will go to this lead authority.

5.3

The most obvious solutions might be:

- in a county area with borders coterminous with the force area boundary, the county would lead
- in an area where the force is not coterminous with a single county, the largest county, or largest unitary (whether by population or geographic size) would lead
- in an area where the force covers a smaller selection of authorities, the most populous, or geographically largest, authority could lead.

These possibilities are provided as examples only – solutions adopted in each force area

will need to reflect the wishes of the individual authorities in that area.

5.4

A perceived imbalance that might otherwise exist on the panel because of one geographical area, or centre of population, being ‘over-represented’ or ‘under-represented’, could be partially offset by the chair being given to another geographical area. It is also important to remember the possible impact of local elections part-way through the PCC’s term of office, and the effect that this may have on the composition of the PCP. Dealing with perceived imbalances in representation would be possible through co-option (see 7.12 onwards).

5.5

There is no specific provision for the chair to ‘rotate’ between authorities, although there is nothing in the Act prohibiting this. It is for each area to decide on their own chairing arrangements (which will be set out in the rules of procedure).

5.6 How will the panel, the PCC and other local community safety partners define their relationships?

Information sharing will be one issue amongst many where agreement will need to be reached around common purpose and ways of working.

5.7

The Act makes provision for a protocol between the chief constable and the police and crime commissioner, to define their relationship. This protocol will have a

statutory basis but in local areas it could be supplemented to encompass the PCP, and possibly even local community safety partnerships and the scrutiny committees that hold them to account. Such a protocol would help to set the ground rules for engagement, and make any difficulties or disagreements – particularly in the early months and years – easier to resolve.

5.8

Some may feel that a protocol would be too bureaucratic, or that trying to plan for a number of different eventualities before the event will be difficult and time-consuming. There are benefits to a more ad hoc approach, but risks as well – including delays to time-critical work, breakdowns of relationships, ‘mission creep’ and duplication.

5.9

Some issues that a protocol could clarify might include:

- indicating how the PCC will respond to the PCP’s recommendations (eg, requiring the response to be substantive, giving reasons why any recommendations are being rejected)
- the process for the PCP in consulting on an annual, or quarterly, work programme
- the way in which the performance of the force in question will be monitored by the PCC, and how the PCP’s work will link into this performance management
- the timescale for responding to requests for information
- the circumstances in which information on operational policing could be withheld from the PCP for various reasons
- arrangements for confirmation hearings, including timescales

- arrangements for non-criminal complaints about the PCC and his/her deputies.

5.10

A protocol could be incorporated within the panel arrangements.

5.11

In particular, what will be the division of responsibilities between the PCP (at force level) and local crime and disorder scrutiny committees (at local level)?

Under the Police and Justice Act 2006 local authority scrutiny functions in shire districts, and unitary areas, have specific powers to hold to account work being carried out by the community safety partnership.

5.12

This gives local government scrutiny the right to request information from, and require the attendance of, CSP responsible authorities. Scrutiny also has some powers to make recommendations to responsible authorities about improvements to services. It is important to recognise that these powers are limited to those services delivered by responsible authorities in partnership.

5.13

The PCC is not a ‘responsible authority’ for the purposes of community safety partnerships, but there will inevitably be close joint working between PCCs and CSPs. Councils will need to consider how CSP scrutiny and PCP scrutiny will relate to each other and ensure they do not duplicate each other’s work. In particular, they will need to ensure that community safety

scrutiny committees do not seek to hold the PCC to account for an issue specific to a single community safety partnership.

Overlap of areas of interest will, however, be inevitable, and a protocol between the main partners (as discussed elsewhere) will help to define how different forms of accountability will intersect.

5.14

Will the PCP’s focus be reactive scrutiny, or proactive policy development?

Scrutiny can be carried out by the PCP in a number of different ways. The PCP’s statutory responsibilities focus on a reactive approach (see section 5.15), but a more proactive approach (5.16) could prove useful in ensuring that the PCP is making a positive contribution to the PCC’s work – particularly in the context of the development of the police and crime plan. A proactive approach expands the scope of the PCP beyond its formal statutory role, but a successful adoption of this method of working could strengthen the delivery of the PCP’s core, statutory responsibilities. It will also contribute to the statutory function of the PCP in supporting the PCC in the effective exercise of their functions.

5.15

‘Reactive’ scrutiny:

- looks at how services have been delivered in the past
- learns and applies lessons from that experience to the future.



Advantages:

- provides an independent means of assessing problems or service failures
- provides a way of analysing successes, and spreading good practice.

Disadvantages:

- can duplicate the PCC's own internal systems
- could interfere with or duplicate work undertaken by HMIC (if poorly planned).

5.16

'Proactive' scrutiny:

- engages in current policy development, influencing decisions before they are made.

Advantages:

- fits closely with the PCP's responsibility to constructively assist the PCC in policy development
- helps to bring additional perspectives to the policy process.

Disadvantages:

- relies for success on a strong working relationship between the PCP, the PCC and other local partners, given that it goes beyond what is prescribed by law.

5.17

There is a case for both approaches. PCPs will want, as a statutory consultee, to examine the PCC's business plans (including the police and crime plan) and will probably want to play a part in the improvement cycle (including the monitoring of performance, finance and risk information) to see where it could most constructively direct its work programme. Decisions here

will need to be based on discussions with the PCC and with other partners involved in tackling crime and disorder. Time limited, or standing, sub-committees could be set up to carry out investigations into specific issues, as long as such investigations do not involve the carrying-out of any of the PCP's 'special functions' (see 5.21 below). This could provide a way to carry out more proactive scrutiny, make better use of limited resources and manage a large PCP whose operation might otherwise be unwieldy.

5.18

Equally, local discretion will mean that some areas may decide to adopt a more 'light touch' approach, where accountability is principally exerted through the PCC/chief constable relationship and the PCP limits itself exclusively to its statutory duties.

5.19

Whatever approach is adopted, a work programme can help to manage the PCP's responsibilities, and to ensure that the PCP's time is spent on issues where it can most clearly add value by delivering against the agreed priorities which support its legal remit.

5.20 How will decisions be made?

Under certain circumstances the PCP can make what the Act describes as ‘decisions’ (which will usually be recommendations rather than ‘decisions’ in the conventional sense) using its statutory powers.

5.21

The Act refers to these as ‘special functions’, which must be carried out by the full PCP and cannot be delegated to a sub-committee. Such decisions could include those to:

- review and make recommendations on the police and crime plan
- review and make recommendations on the annual report of the PCC, at a public meeting
- review and potentially veto the proposed precept
- review and potentially veto the decision to appoint a chief constable, and review but not veto the appointment of various other senior staff (further to paragraph 9(1) of Schedule 1), following a confirmation hearing of the PCP.

5.22

In the instances where the power to veto exists, a two-thirds majority is required for this to take effect.

5.23

Rules of procedure will need to define how the PCP will carry out these special functions. These will include timescales for consultation, and detail on the way in which scrutiny is to be carried out. Regulations will be produced on the exercise of the panel’s veto, but councils will need to define the circumstances in which votes will be taken, how a formal

decision will be made and recorded, how such a decision will be notified formally to the PCC and how the PCC should respond. As well as forming an element of the rules of procedure, these principles could also form a part of the protocol discussed earlier.

5.24

Confirmatory hearings for chief constables and other staff (under the Act, the chief executive, chief finance officer and a deputy police and crime commissioner), will bring their own specific challenges. While the conduct of these hearings will be down to the authorities whose representatives sit on the PCP, discussion and agreement with the PCC, and with the lead authority’s monitoring officer, will be necessary to ensure that such hearings are fair, and take account of the employment, and other, rights of the PCC’s nominee. As a ‘special function’, these hearings must be carried out by the full PCP, which raises additional issues around the management of questioning and ensuring that the hearing adds value to the appointment process.

5.25

There are other circumstances where the PCP’s rules of procedure may need to determine how decisions will be made – for example:

- changes to the panel arrangements, or the rules of procedure themselves
- agreement of the annual work programme (if one is being prepared).



5.26

How will the panel be supported and resourced?

The PCP will be a vital part of local accountability arrangements for policing. The Home Office proposes to make £30,000, plus on-costs, available to support the work of each PCP. It is not yet clear how long this funding will last, or how it will be paid. When setting up panels, councils will have to decide whether their panel should have more support, and if so how this will be provided.

5.27

The support arrangements for the PCP will need to reflect the role and functions that the body takes on. A more reactive approach to scrutiny may not be so resource intensive, but may limit the PCP's effectiveness. A PCP, resourced to make a positive contribution to policy development, could render more effective the delivery of community safety and criminal justice policy across the force area, in such a way that makes the provision of additional resources easier to justify.

5.28

Some resourcing issues to consider when setting up a panel:

- Should a separate member of staff be appointed to provide support to the PCP, or can this be carried out by existing committee administrators and scrutiny officers? Additional pressure on existing staff could lead to problems with the PCP delivering its work programme.
- Will separate committee administration and policy support be required?
- If councils decide to supplement the funding from the Home Office how could they do this? One possibility is that

authorities in the force area could make a joint, pooled contribution to the operational budget of the PCP. This approach is allowed for in paragraph 11(2)(a) of Schedule 6 of the Act.

- Where it is not possible to provide additional support to the panel, consideration will need to be given to whether the panel should concentrate on its core functions, how rigorous it is in setting out which issues it will and will not examine, and whether using 'task and finish' groups will allow it to look at the most important topics in a more efficient manner than might be possible at formal committees.

6. Composition: the law

6.1

The Act makes detailed provisions on PCP composition. In brief, these are:

- Where a force area consists of ten or fewer authorities, the number of members of the PCP will be ten, not including the co-opted members.
 - Where a force area consists of more than ten authorities, there will be as many members as there are local authorities in the force area, plus two co-opted members.
 - Additional councillors may be co-opted onto the PCP, as long as two lay co-optees are also included, the size of the PCP does not exceed 20 and the Secretary of State approves the co-options.
 - Composition should be carried out in accordance to the 'fair representation objective' – essentially, each authority in the force area must be represented by at least one member if the total number of authorities in the area is less than ten, and one member if the number of authorities is ten or more.
 - Where agreement cannot be reached (see below) the Secretary of State has the power to make nominations.
 - The PCC cannot be a member of the PCP.
 - Sitting MPs, Welsh AMs, MSPs, MEPs, staff of the PCC and civilian police staff may not be co-opted onto the PCP.
- By and large, beyond these principles the choice of who sits on the PCP will be down to the authorities involved. However, in Wales, and in those parts of England where agreement cannot be reached (see section 7.19 below) the Home Secretary will nominate members.

7. Composition: issues to consider

7.1

Authorities within force areas need, between them, to make swift, but sustainable, decisions on the following issues, which will need to be set out in the panel arrangements. This will need to happen after the issues in the section above, on roles and functions, have been resolved (including the question of who leads/chairs, covered in 5.2 above):

- Who will sit on the PCP, and how can we assure equity of representation?
 - How do we ensure the PCP is politically proportionate across the force area?
 - How will seats be assigned to individual authorities?
 - Will executive, or non-executive, members sit on the PCP?
 - What will happen in committee system authorities?
 - Who will the lay members/co-optees be, and what process will be used to appoint them?
- How will changes in political control in authorities within the force area, and other necessary membership changes, be dealt with?
- Will a 'special responsibility allowance' be assigned?
- What happens if a decision cannot be reached?
- What happens in Wales?

7.2

Once resolved, decisions on the above should form part of the panel arrangements, discussed above.

7.3 Who will sit on the PCP, and how can we assure equity of representation?

General principles

Composition should take account of, as far as is practical, both political and geographical proportionality, as well as necessary skills and experience, when coming to a judgment of who sits on the body. Together, these form a 'balanced appointment' objective specifically cited in the Act. Detailed provisions on these arrangements can be found in Schedule 6.

7.4

This will avoid significant inequity, as well as making it easier to take account of the concerns of some authorities – particularly shire districts – that they might not otherwise be represented.

7.5

There are risks inherent in a body with a large membership. The size of some PCPs may approach 20 members – which will present a challenge to carrying out effective, focused business in plenary. The careful and proportionate use of smaller task groups or sub-committees could provide a partial solution (see section 5.17).

7.6

How do we ensure the PCP is politically proportionate across the force area?

Panels should be politically proportionate. This means that they should be proportionate according to the total number of councillors in the force area.

7.7

How will seats be assigned to individual authorities?

This is a decision that will need to be taken by those authorities involved, and the Home Office is not planning to prescribe. However, the 'balanced appointment' objectives mentioned above will need to be borne in mind.





7.8 Will executive, or non executive, members sit on the PCP?

There is no prescription as to who should sit on the PCP. However, if there are any executive mayors the force area, they will have a guaranteed seat (although they can delegate a councillor from the authority in their place).

7.9
The question is whether remaining seats should go to executive or non-executive members. This is something that authorities will have to decide themselves, but some arguments for and against each approach are listed opposite.

7.10
There is no single, right approach to composition. Authorities will need to properly weigh up the pros and cons. It would be possible to take a 'mixed' approach, with some executive and some non-executive members sitting on the panel – but this might prove complex.

Executive	Non-executive
An all-executive body would give the panel necessary profile and influence	With its statutory powers, the body will have significant influence anyway
It provides an opportunity for councils' leadership to exert statutory influence over the PCC (in terms of approval of the police and crime plan, etc)	Council leadership will have two other means to exert influence – through community safety partnerships and through the development of the police and crime plan
Executives (particularly cabinet members for community safety) will be in a better position to hold the PCC to account due to their expert knowledge	Having executive members sitting on the PCP will constitute a conflict of interest. As the police and crime plan will effectively be 'jointly-owned' by local authorities in the area, because of the requirement for the PCC to co-operate, local authority executives will have a stake in its delivery that could be perceived as making it impossible for them to carry out truly independent scrutiny
It is more consistent for executive members to sit on the panel, given that executive mayors will have an automatic seat	Provision does exist for the mayor to delegate his/her functions on the PCP to another member of the authority
	If the PCP is to conduct work according to its own work programme (see above) it may place an undue burden on executive members with wider duties. To conduct PCP work in another way could hinder the PCP's effectiveness
	Having a non-executive PCP will make joint working easier with non-executive scrutiny committees carrying out work with community safety partnerships

7.11

What will happen in committee system authorities?

Where a committee system authority has a community safety committee (or similar) taking local decisions on these matters, some of the arguments above would suggest that nobody sitting on that committee should be able to sit on the PCP, for fear of there being a conflict of interest. It could be thought most appropriate for another member, sitting on another committee, to sit on the PCP, but this raises issues about skills and knowledge. Ultimately this is something that individual committee system authorities will have to resolve themselves.

7.12

Who will the lay members/co-optees be, and what process will be used to appoint them?

All panels must have two lay members. The legislation provides no restriction of who these members might be, other than to require that the lay members should have the skills and knowledge to assist the PCP in discharging its functions effectively.

There are a number of options for lay membership – it can be used:

- to bring in expertise from, for example, one of the other community safety ‘responsible authorities’ (for example, a representative from the NHS or from the local Probation Trust)
- to provide particular skills, that without those lay members on the panel might be lacking

- to bring in the views and concerns of the public. Careful thought would need to go into how the lay members were selected, if this approach was followed
- to provide an explicitly ‘non-executive’ perspective, on a PCP otherwise made up of executive members.

7.13

The process used for selection of lay members will need to be determined by each individual force area, and could form part of the panel arrangements. Selection procedures will need to be fair and transparent – a role profile could be prepared on the basis of which a public recruitment exercise could be conducted. This exercise may, on the first occasion, need to be carried out by the ‘shadow PCP’ (see below).

7.14

How will changes in political control in authorities within the force area, and other necessary changes to membership, be dealt with?

Panel arrangements must make provision for the appointment of members to the PCP. Where political control, and hence proportionality, in a given authority changes, they may wish to change their nominated member on the PCP. There are two approaches that could be taken, in tandem:

- set terms of office for the PCP at one year, with membership to be revised every May (at the same time as that for other council committees)
- put in place a system, where a longer term of office is proposed, for the substitution and replacement of a member.

7.15

One issue when deciding how long the term of office of panel members will be is the need to retain the skills and knowledge of the panel, and how changes in membership can be managed to ensure skills and knowledge are not lost. Potential approaches should be evaluated with this principle in mind.

7.16

Panel arrangements will also need to make provision for the change of membership through resignation for other reasons. The same principles as those outlined above should apply, except that the new member should be of the same political party as the old member (and from the same authority) to maintain balance.

7.17

Some areas may choose to use the powers of co-option to add supplementary councillors to the PCP. These supplementary seats could circulate around authorities in the force area, and provision could be made in the panel arrangements for this process to operate. This may, however, complicate proportionality arrangements. The approval of the Secretary of State for the Home Office will be required for these additional co-opted appointments.

7.18

Will a special responsibility allowance be assigned?

It is planned that additional remuneration is made available by the Home Office, to cover the expenses and an allowance for the lay members of the panel only. Money is also being made available to cover the expenses of the local authority members, but no funding for the allowances of local authority

members is being provided. This position on remuneration has been proposed but at the time of writing (October 2011) is yet to be confirmed. Authorities may choose to provide additional allowances to members sitting on the PCP to bring allowances fully into line with figures arrived at for other committees by the relevant independent remuneration panel(s).

7.19

What happens if a decision cannot be reached?

The Home Secretary has reserved powers under the Act to intervene where authorities in a force area cannot come to a decision about the format and composition of the police and crime panel. Where local agreement cannot be reached, she will appoint a panel directly, according to a set of principles developed by the Home Office that include geographical and political representation.

7.20

This will not be an automatic process. Intervention will be a 'last resort' measure.

7.21

What happens in Wales?

The Act makes provision for the Home Secretary to nominate members of PCPs in Wales directly. It was originally intended they would be appointed by councils in Wales, but the Welsh Assembly Government refused to allow the Home Office to legislate on local government matters as this is an area of devolved responsibility in Wales. The powers and functions of Welsh PCPs will be identical to those in England in other respects.

8. Common issues and how to resolve them: shadow PCPs

8.1

In some areas, 'shadow PCPs' have been established, or are being established, by police authorities (which will be abolished) and local authorities in the area working together. The aim of these bodies is to prepare for November 2012, and to ensure a smooth transition between the work of police authorities and the operation of the new structural arrangements.

8.2

A number of the issues identified above, namely resourcing; agreement about role and functions between different local partners; and composition, can only be resolved by discussion and agreement at local level. This discussion could be facilitated by a shadow PCP. Initially, such a body could involve a range of members from all local authorities in the force area, between whom a decision could be made about final composition, powers and so forth.

8.3

It is important to recognise that the shadow PCP, if established, will have no role to carry out substantive scrutiny of any kind until the PCC is elected. Any work undertaken by the shadow PCP should focus exclusively on the development of internal and external systems to enable it to carry out its work once the PCC takes on his or her role.

8.4

Any planning or shadowing arrangements should be member-led. They should involve both executive and non-executive members.

9. Regulations and further guidance

9.1

The Home Secretary has relatively wide powers to make regulations, and issue guidance, further to a number of issues. These include:

- regulations on dealing with complaints
- regulations on 'notifications' to be given by the Home Secretary if authorities fail to comply with the provisions of Schedule 6
- regulations about making nominations and appointments to the PCP
- regulations about modifying the functions of those PCPs to which the Home Secretary has directly nominated members
- 'light touch' non-statutory guidance on a number of issues relating to the operation of PCPs
- other non-statutory guidance on the PCP's links with other local structures.

9.2

At the moment timescales for the production of regulations and further guidance are not known.

Local Government Association
and Centre for Public Scrutiny

October 2011





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L11-642

POLICE AND CRIME COMMISSIONERS

HAVE YOU GOT WHAT IT TAKES?



DO YOU HAVE WHAT IT TAKES TO...



- **Play a leading role in how crime is tackled in your area?**
- **Bring the voice of the people into policing and bring the community together to tackle crime?**
- **Hold the Chief Constable and police force to account for reducing crime?**

IF YOU ANSWERED YES, THEN READ ON...

Policing has always relied on the co-operation and consent of the people. That was true of Robert Peel's time – when the first public minded citizens formed themselves into groups to protect society – and it remains true today.

Police and Crime Commissioners (PCCs) will reinvigorate those democratic principles, ensuring that the public have an elected representative with a duty to the citizen and the welfare of the communities they represent.

The police provide a vital and impartial service to individuals, communities and society as a whole. Men and women of the police put their lives on

the line every day to protect life and property. As well as the many inspirational stories of bravery that make the headlines, thousands of dedicated professionals work hard every day to serve the public and cut crime.

GREATER POLICE ACCOUNTABILITY

On 15 November 2012, for the first time ever, the public will elect a PCC who will be accountable for how crime is tackled in their police force area.

To provide stronger and more transparent accountability of the police, PCCs will be elected by the public to hold Chief Constables and their forces to account, effectively making the police answerable to the communities they serve. PCCs will be responsible for setting the police force's strategic priorities, cutting crime, appointing and, if necessary, dismissing the Chief Constable, and ensuring that policing is efficient and effective.

“The police are the public and the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”

Sir Robert Peel, Home Secretary who laid the foundations of modern policing, 1829



IS THIS FOR ME?

The PCCs will be important figures in the communities they represent, but you don't have to be a politician to stand. In fact, you can be independent of political parties.

If you have a commitment to public service and the skills to be a good leader, then this could be right for you. You could have experience in the private, voluntary or public sector and come from any background.

Women, people from ethnic minorities and disabled people are under-represented in elected office. This is an opportunity for people from all walks of life to stand and make a difference. This is your chance to put yourself forward to help protect the public and help support the police to cut crime. This is your chance to stand for election as a PCC.

CAN I STAND FOR ELECTION AS A PCC?

The duty of a PCC is to ensure that your police force is providing an efficient and effective service on behalf of the public. Anyone can stand for election to this post, as long as you meet the eligibility criteria.

Candidates must be:

- British, Commonwealth or EU citizens
- 18 or over
- resident in the police force area in which they wish to stand.

You cannot stand for election as a PCC if:

- you have ever been convicted of an imprisonable offence
- you are a public servant, including: civil servants, judges, police officers, members of the regular armed forces, employees of councils within the force area, employees of a police related agency, employees of other government agencies, politically restricted post-holders, members of police staff (including Police Community Support Officers) or members of a police authority.

Members of the House of Commons, the Scottish and European parliaments and the National Assembly for Wales may stand, but will need to resign their seats before being able to accept the post of PCC.

PCC elections will be held in all police force areas in England and Wales, except in London, where the City of London will continue to have a police authority and the Mayor of London will take on the powers of a PCC in relation to the Metropolitan Police.

“I'd like to have a bit more of a say in how the police do things. I mean, they are more visible than they used to be, but I've never really been sure about how I can get involved.”



“By replacing invisible police authorities with directly elected police and crime commissioners, we can forge a direct link between the police and the public, ensuring that the public have a voice in setting police priorities and have the power to hold the police to account for keeping our streets safe and secure.”

Prime Minister David Cameron

DELIVERING FOR THE PUBLIC

As a PCC your role will involve working with the public, the police and local partners to ensure effective policing, as well as contributing to national requirements.

Setting the strategic direction and accountability for policing

Being accountable to the electorate.

Setting strategic policing priorities.

Holding the force to account through the Chief Constable, and consulting and involving the public.

Working with partners to prevent and tackle crime

Ensuring that the police respond effectively to public concerns and threats to public safety.

Promoting and enabling joined-up working on community safety.

Increasing public confidence in how crime is cut and policing delivered.

Invoking the voice of the public, the vulnerable and victims

Ensuring that public priorities are acted upon and that the most vulnerable individuals are not overlooked. Complying with the general equality duty under the Equality Act 2010.

Contributing to resourcing of policing response to regional and national threats

Ensuring an effective policing contribution, alongside other partners, to national arrangements to protect the public from other cross-boundary threats in line with the Strategic Policing Requirement.

Ensuring value for money

Being responsible for the distribution of policing grants from central government and setting the police precept raised through Council Tax.

Commissioning services from partners that will contribute to cutting crime.



LOCAL POLICING

You will be required to set a Police and Crime Plan in close consultation with your Chief Constable that sets out the priorities for your police force and how they will be delivered. As well as listening to people's views, you must ensure that the public understand how their area is being policed. This means publishing information clearly, reporting progress regularly and helping the public to hold you and the police force to account. The more informed the public feel, the more interest they will take in policing work.

NATIONAL POLICING

As well as ensuring that the Chief Constable responds to local priorities, you will also need to help contribute to dealing with threats which require a national policing response. It is vital that you work with other forces on national policing issues – including work on counter-terrorism and organised crime, as required by the Home Secretary.

POLICE FUNDING

As a PCC, you will be responsible for all police funding, including central government funding and the police precept component of Council Tax. You will decide the budget, allocate funding and assets to the Chief Constable and set the level of precept from Council Tax for the police force area. Budgets vary according to the size of the force but they will involve tens, and in some case hundreds of millions, of pounds.

THE TEAM

You will need to appoint a chief executive, who will employ administrative staff and will have a monitoring role to ensure that standards are upheld. You will also appoint a chief finance officer to advise on financial matters and the impact of spending decisions.

You will have the power to appoint or dismiss the Chief Constable with agreement, but the Chief Constable will continue to appoint all police officers. Police forces range from a few thousand up to around 10,000 people.

“You hear about the police smashing international drug rings. It's stuff like that which stops it getting to our streets. I've never really thought of it but I suppose you need them out there doing the big things because at the end of the day it helps keep us all safer.”



“The police deal with a range of duties, from simply walking down my high street, to people who are drunk creating loads of trouble, and even terrorist threats... I hope that if I need them they'll be there for me.”

INDEPENDENCE OF THE POLICE

Chief Constables will remain accountable to the law for the exercise of police powers. They will be accountable to you for the delivery of efficient and effective policing, management of resources and expenditure, and ultimately the delivery of policing in your area.

While the Chief Constable, their constables and staff will be operationally independent, you will be able to require a report from the Chief Constable at any time about the execution of their functions.

WORKING IN PARTNERSHIP

A huge role like this cannot be done in isolation. Partners from across the community safety and criminal justice sectors will play a vital part. You will need to work with the right organisations to deliver against your Police and Crime Plan. There will be a reciprocal duty on you and relevant local agencies (including local authorities, the fire service, probation and health) to co-operate. You will be able to bring together Community Safety Partnerships to discuss key issues and require reports from partnerships if you have a significant concern. You will need to reach

agreements with a range of public, private and voluntary partners working in criminal justice, community safety and public protection. This could be done using a mix of grants, contracts or other forms of commissioning.

SCRUTINY AND ACCOUNTABILITY

Being directly elected by the public means that you will be held to account on election day. Police and Crime Panels are being set up in each force area to help ensure that local authorities support you. They will also be scrutinising your work on behalf of the public on a regular basis. They will help to ensure transparency. You will need to discuss your plans with them and take their views into account.

Her Majesty's Inspectorate of Constabulary will also have the power to inspect forces and report back to the public with objective and robust information on which to make informed judgements about the effectiveness of the force and your work as the PCC.

FIND OUT MORE

If you think you have what it takes, you can start by visiting the following websites:

Police and Crime Commissioner pages
www.homeoffice.gov.uk/police/police-crime-commissioners

Police and Crime Commissioners: Questions and Answers
www.homeoffice.gov.uk/police/police-crime-commissioners/questions

Police Reform and Social Responsibility Act 2011
www.legislation.gov.uk/ukpga/2011/13/contents/enacted

Report on the pay of Police and Crime Commissioners by the Review Body on Senior Salaries
www.ome.gov.uk/Police_and_Crime_Commissioners.aspx

The Protocol: The Home Secretary has laid in Parliament The Protocol, which sets out how the new policing governance arrangements will work. It clarifies the roles and responsibilities of PCCs, the Mayor's Office for Policing and Crime, Chief Constables, Police and Crime Panels and the London Assembly Police and Crime Panel. It outlines what these bodies are expected to do and how they are expected to work together to fight crime and improve policing.
www.parliament.uk

The Strategic Policing Requirement: The Home Secretary has issued a shadow Strategic Policing Requirement which is a statement of the collective capabilities that police forces across England and Wales will be expected to have in place in order to protect the public from

cross-boundary threats such as terrorism, civil emergencies, public disorder, cyber incidents and organised crime. www.homeoffice.gov.uk/publications/police/pcc/shadow-spr

OTHER USEFUL INFORMATION

Electoral Commission www.electoralcommission.org.uk

Access to elected office: Support to tackle the particular obstacles faced by disabled people who want to stand for election as MPs, councillors or other elected officials
<http://homeoffice.gov.uk/equalities/equality-public-political>

Association of Chief Police Officers
www.acpo.police.uk

Association of Police Authorities
www.apa.police.uk

HMIC Crime and Policing Comparator www.hmic.gov.uk/crime-and-policing-comparator

Independent Police Complaints Commission
www.ipcc.gov.uk

National Policing Improvement Agency
www.npia.police.uk

Street Level Crime Data www.police.uk

Any more questions? You can email your question to pccinfo@homeoffice.gsi.gov.uk



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COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

10 JANUARY 2012

WORK PROGRAMME 2011-12

REPORT OF THE CHIEF EXECUTIVE

Strategic Priorities: SP3 – Safer City

Corporate Priorities: CIO1: Delivering Customer Focused Services, CIO4: Improving partnership working to deliver ‘One City’.

1. Purpose of the report

- 1.1 The report attaches, for Members’ information, the current work programme for the Committee’s work during the 2011-12 Council year.
- 1.2 The work of the Committee in delivering its work programme will support the Council in achieving its Strategic Priorities of Safer City, support delivery of the related themes of the Local Area Agreement, and, through monitoring the performance of the Council’s services, help the Council achieve its Corporate Improvement Objectives CIO1 (delivering customer focussed services) and C104 (improving partnership working to deliver ‘One City’).

2. Background

- 2.1 The work programme is a working document which the Committee can develop throughout the year. The work programme allows Members and officers to maintain an overview of work planned and undertaken during the Council year.

3. Current position

- 3.1 The work programme reflects discussions that took place at the 7 June 2012 Scrutiny Committee meeting. The current work programme is attached as an appendix to this report.

4. Conclusion

- 4.1 The work programme developed from the meeting will form a flexible mechanism for managing the work of the Committee in 2011-12.

5 Recommendation

- 5.1 That Members note the information contained in the work programme and consider the inclusion of proposals for the Committee into the work programme.

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COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE WORK PROGRAMME 2011/2012

REASON FOR INCLUSION	JUNE 07.06.11	JULY 19.07.11	SEPTEMBER 06.9.11	OCTOBER 18.10.11	DECEMBER 06.12.11	JANUARY 10.01.12	FEBRUARY 21.02.12	APRIL 03.04.12
Cabinet-Referrals and Responses			Response to the 10/11 Policy Review – Alcohol, Violence and the Night Time Economy (JD)					
Policy Review	Annual Work Programme and Policy Review 2011/2012 (JD)	Policy Review into Community Cohesion - Scoping Report (JD)	Policy Review into Community Cohesion – Scene Setting (JD)	Policy Review into Community Cohesion - Evidence Gathering (JD)	Policy Review into Community Cohesion – Evidence Gathering (JD)	Policy Review into Community Cohesion – Evidence Gathering (JD)	Policy Review Progress Report (JD)	Policy Review: Final Report (JD)
Performance			Performance Report (Gillian Robinson) Progress on Past Recommendations (JD)		Performance Q2/ Policy Review Progress (Mike Lowe)			Performance Q3/ (Mike Lowe)
Scrutiny	Food Law Enforcement (Norma Johnston) Forward Plan (SA)	Police Reform and Social Responsibility Bill - Update (Stuart Douglass) Drug Misuse – Update (Leanne Davis) Work Programme (SA) Forward Plan (SA)	Work Programme (SA) Forward Plan (SA)	Police Reform and Social Responsibility Act 2011 Work Programme (SA) Forward Plan (SA)	Emergency Planning (Barry Frost) Neighbourhood Helpline (LSL) Work Programme (SA) Forward Plan (SA)	Police Reform and Social Responsibility Act 2011 Work Programme (JD) Forward Plan (JD)	Work Programme (JD) Forward Plan (JD)	Work Programme (JD) Forward Plan (JD)
CCFA/Members items/Petitions								

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

10 JANUARY 2012

FORWARD PLAN – KEY DECISIONS FOR THE PERIOD 1 JANUARY 2012 – 30 APRIL 2012

REPORT OF THE CHIEF EXECUTIVE

1. Purpose of the Report

- 1.1 To provide Members with an opportunity to consider those items on the Executive's Forward Plan for the period 1 January 2012 – 30 April 2012 which relate to the Community and Safer City Scrutiny Committee.

2. Background

- 2.1 The Council's Forward Plan contains matters which are likely to be the subject of a key decision to be taken by the Executive. The Plan covers a four month period and is prepared and updated on a monthly basis.
- 2.2 Holding the Executive to account is one of the main functions of Scrutiny. One of the ways that this can be achieved is by considering the forthcoming decisions of the Executive (as outlined in the Forward Plan) and deciding whether Scrutiny can add value in advance of a decision being made. This does not negate Non-Executive Members ability to call-in a decision after it has been made.
- 2.3 Members requested that only those items which are under the remit of the Committee be reported to this Committee. The remit of the Committee covers the following themes:-

Safer Sunderland Strategy; Social Inclusion; Community Safety; Anti Social Behaviour; Domestic Violence; Community Cohesion; Equalities; Food Law Enforcement; Licensing Policy and Regulation; Community Associations; Registrars

- 2.4 In the event of Members having any queries that cannot be dealt with directly in the meeting, a response will be sought from the relevant Directorate.

3. Recommendation

- 3.1 Members are asked to note that there are no items in the current Forward Plan relating to the remit of this Committee.

4. Background Papers

- 4.1 There were no background papers used in the preparation of this report.

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