

Meeting of the Cabinet – 14th March, 2012

Police Reform and Social Responsibility Act 2011

Report of the Chief Executive

Purpose

1. To consider issues relating to the appointment of the Police and Crime Panel under the Police Reform and Social Responsibility Act 2011.

Background

2. The Police Reform and Social Responsibility Act 2011 is now in force. The main objective of the legislation is the election of a Police and Crime Commissioner for each Police area and the abolition of the existing Police Authority. The election is scheduled to take place on the 15th November 2012 and the new Commissioner will take office on the 22nd November for an initial term that will expire in May 2016.
3. The principal functions of the Commissioner include:-
 - Setting the strategic direction and objectives of the force through the Police and Crime Panel.
 - Scrutinising, supporting and challenging the overall performance of the force.
 - Holding the Chief Constable to account for the performance of the force's officers and staff.
 - Deciding the budget, allocating assets and funds to the Chief Constable.
 - Setting the precept for the force area.
 - Appointing the Chief Constable.
 - Removing the Chief Constable.
 - Maintaining an efficient and effective Police force for the force area.
 - Providing the local link between the Police and communities and working to translate the legitimate desires and aspirations of the public into action.
 - Holding the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable.
 - Issuing an Annual Report on performance against the objectives contained within the Police and Crime Plan.
 - Monitoring all complaints made against officers and staff and having responsibility for complaints against the Chief Constable.

4. The legislation also provides that a Police and Crime Panel must be appointed by each district within the force area. The Panel has the status of a joint committee and its main powers are to:-
- Veto the precept
 - Veto the appointment of the Chief Constable through the holding of a confirmatory hearing.
 - Hold confirmatory hearings for the position of the Commissioner's, Chief Executive, Chief Financial Officer or Deputy Commissioner.
 - Suspend the Commissioner.
 - Appoint an Acting Commissioner.
 - Ask HM Inspector of Constabulary for a professional view when the Commissioner intends to dismiss the Chief Constable.
 - Review the Police and Crime Plan issued by the Commissioner.
 - Review the Commissioner's Annual Report and make reports and recommendations at a public meeting which the Commissioner must attend.
 - Review or scrutinise decisions made by the Commissioner.
 - Make recommendations to the Commissioner.
 - Deal with certain complaints about the Commissioner.

Composition of Police and Crime Panel

5. The Panel comprises a minimum of 10 Councillors (which must include any elected Mayor) with each of the 7 districts within the West Midlands Force area having a least 1 place. There must also be an additional 2 co-opted members to be appointed by the Panel. With the consent of the Home Secretary the number of Councillors could be a maximum of 18 which, together with the co-opted members, would mean a Panel of up to 20 members.
6. One of the statutory principles for the appointment of the Panel is the duty to produce a Panel which achieves the 'balanced appointment objective' i.e. the local authority members (**when taken together**):-
- (a) Represent all parts of the Police area.
 - (b) Represent the political make-up of all of the districts, and
 - (c) Have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.
7. The composition of the Panel was recently considered by the West Midlands Leaders and their proposal is that we should have a Panel of 12 elected members in order to reflect the population and political balance of the West Midlands. The elected members would be appointed by the 7 districts as follows:-

| | |
|---|----|
| Birmingham | 3 |
| Dudley, Sandwell, Walsall and Wolverhampton | 6 |
| Coventry and Solihull | 3 |
| | 12 |

With each individual authority having at least 1 place as required by the legislation.

8. Based on the current number of seats held by political parties within the 7 districts this would produce the following political balance:-

| | |
|------------------|----|
| Labour | 6 |
| Conservative | 5 |
| Liberal Democrat | 1 |
| | 12 |

This may change, of course, as a result of the local elections in May 2012 but the appointments would take into account the requirement to appoint any elected Mayor for Birmingham and Coventry should there be a positive referendum result in May.

9. The consent of the Home Secretary for a Panel of 12 elected members has been requested and a decision is awaited. It is intended that the Panel will operate in shadow form from June 2012 until the Commissioner is elected in November. At its Annual Meeting in May the Council will be invited to make an appointment to the Panel but we may also have one of the additional places allocated to the Black Country authorities.
10. Under the Act the Panel will operate in accordance with "Panel Arrangements" which are currently being drafted.
11. As Birmingham City Council is the host authority for the West Midlands Joint Committee, Leaders have decided that Birmingham should also be the host authority for the Panel.

Finance

12. The Home Office will make an annual funding allocation for the Panel of £53,300 for support and running costs and they will also provide funding of £920 per member to cover necessary expenses. The legislation enables members allowances to be paid but these are not covered by the Home Office funding and would have to be accommodated within the Members' Allowances Scheme for each district. This will be considered by West Midlands Leaders at a future meeting and any recommendation will be reported to the Council.

Law

13. The relevant legislation with regard to Police and Crime Panels is Section 28 of, and Schedule 6 (2), of the Police Reform and Social Responsibility Act 2011.

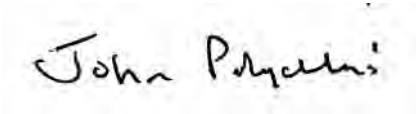
Equality Impact

14. The Equalities Act 2010 will apply to the Police and Crime Panel as it applies to any local authority.

Recommendations

15. It is recommended that Cabinet :-

1. Approve the appointment of a Police and Crime Panel for the West Midlands comprising 12 elected members (as set out in paragraph 7), subject to the approval of the Home Secretary.
2. Note that the Panel will operate in shadow form from June 2012 until the election of the Police and Crime Commissioner in November 2012.
3. Note that the Council will make its appointment(s) to the Panel at the Annual Meeting of the Council in May.



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Background papers

1. Correspondence with the Home Office.