



SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 5th September 2012

Subject: Establishment of a South Yorkshire Police and Crime Panel and Appointment of Local Authority Members

Author of Report: David Molloy, Scrutiny Policy Officer

Summary:

This report sets out the requirements of the 2011 Police Reform and Social Responsibility Act to establish a Police and Crime Panel for the South Yorkshire force area. The Police and Crime Panel is required to scrutinise and hold to account the upcoming South Yorkshire Police and Crime Commissioner from November 2012 onwards. The report outlines the sub-regional work undertaken thus far and what has been agreed by South Yorkshire Leaders. It requests that Council agree to nominate the required Members to the Police and Crime Panel.

Recommendations:

That the Council agree the following arrangements for the establishment of a South Yorkshire Police and Crime Panel (PCP):

- (1) That the PCP consists of 10 Elected Members and 2 independent co-optees
- (2) That Sheffield City Council be allocated 4 of these 10 seats as part of the Balanced Appointment Objective, and will chair the PCP
- (3) That 3 of Sheffield City Council's PCP seats be set aside for the Labour Group and 1 seat for the Liberal Democrat Group, **and that these positions in 2012/13 are subsequently filled at today's meeting**
- (4) That the appointment of PCP Members be for 1 year terms
- (5) That meetings of South Yorkshire Leaders be convened to consider the allocation of seats to the South Yorkshire PCP as and when required
- (6) That the appointment of independent co-optees to the PCP be considered once the political membership of the Panel has been determined. The appointment of co-opted members to be agreed by the PCP
- (7) That Rotherham MBC be identified as the Lead Authority to host the PCP and receive the Government funding to cover the cost of supporting the PCP
- (8) That Panel Members be paid £920 annually (as directed by the Home Office) for the first 12 months and the host authority (Rotherham MBC) be requested to arrange for its Remuneration Panel to review the role of Panel Members in 12 months time

- (9) That the PCP initially operates to the minimum of 4 meetings per year, with sufficient flexibility for additional meetings if required
- (10) That the Task and Finish Officer Group, established by South Yorkshire Chief Executive's to work up the details of the PCP, continue to meet to provide the necessary sub-regional Officer support to the Panel to ensure its establishment, including detailed work on the Panel arrangements and Rules of Procedure

Background Papers: None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
YES
Legal implications
YES
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
NO
Human rights implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
YES
Human resources implications
NO
Property implications
NO
Area(s) affected
ALL
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

ESTABLISHMENT OF A SOUTH YORKSHIRE POLICE AND CRIME PANEL AND APPOINTMENT OF LOCAL AUTHORITY MEMBERS

1. BACKGROUND

- 1.1 The Police Reform and Social Responsibility Act 2011 abolishes all existing Police Authorities in November 2012, replacing them with directly elected Police and Crime Commissioners (PCCs). PCC elections will take place on 15 November 2012, with elected PCCs taking up office on 22 November 2012. PCCs will serve their term of office until May 2016, and every 4 years thereafter.
- 1.2 The Act confers a central role for the Police and Crime Panel within the new police governance framework as most of the statutory powers and duties in relation to policing are concentrated in one person. This compares with the present South Yorkshire arrangement which has 17 nominated local Councillors and independent members. Accountability is built back into the new policing arrangements as the Police and Crime Commissioner is elected by the community and the Police and Crime Panel holds the PCC to account, through democratically elected Members, and maintains an array of key checks and balances
- 1.3 The PCP will be a formally constituted joint committee of all the local authorities in the South Yorkshire force area, and must be locally determined. The PCP will be a scrutiny body, performing a 'critical friend' role. All Local Authorities in the force area must agree its 'panel arrangements' which include the establishment and maintenance of the PCP e.g. appointment of Members, terms of office, arrangements for co-opting members. The 'Rules of Procedure' for the PCP will be agreed by the Panel once it is established and these may cover such issues as decision-making and the formation of sub-committees
- 1.4 The Home Office has required all Local Authorities to submit details of their PCP arrangements by 16 July 2012. Given the time constraints within which these arrangements have been put in place, and the need to ensure the Panel is able to quickly undertake its role, a Task and Finish Officer Group was established by South Yorkshire Chief Executives to work swiftly to bring forward options on the establishment of a South Yorkshire PCP. Part of this Home Office requirement included the Council submitting interim nominations to the Panel, subject to full Council confirmation. This is something that was agreed within internal party structures. **What is required today is full Council confirmation of our Police and Crime Panel Members.**

2. SOUTH YORKSHIRE POLICE AND CRIME PANEL

- 2.1 At a meeting of South Yorkshire Leaders on 21 June 2012 this issue was discussed as it was considered the appropriate forum to consider these South Yorkshire arrangements.
- 2.2 The following Police and Crime Panel arrangements were recommended:

(i) **That the PCP consist of 10 Elected Members and 2 Independent Co-optees**

As the South Yorkshire Police Force area covers less than 10 Local Authorities, the PCP will consist of 10 locally Elected Councillors plus 2 independent co-opted members. This is consistent with the legislation governing the establishment of the Police and Crime Panel. There is also a duty under the Act to nominate an elected Mayor to the PCP where one or more exists at Local Authorities within the force area. The Mayor of Doncaster MBC has indicated that he wishes to take up this position on the PCP

Balanced Appointment Objective

There is a requirement to ensure the PCP satisfies the 'Balanced Appointment Objective'. Specifically, that Local Authority Members of a PCP (when taken together) represent, both politically and geographically, all parts of the relevant police force area, and have the necessary skills, knowledge and experience to discharge the PCP's functions effectively. **Provided the Balanced Appointment Objective is met, each Local Authority may determine which Members are best placed to contribute to the PCP e.g. Cabinet Members, Scrutiny Members, existing Police Authority Members.**

The geographical and political breakdown on a 10 Member Panel provides Sheffield with 4 seats – 3 Labour and 1 Liberal Democrat. The breakdown of the 10 Member PCP is as follows:

- Sheffield – 4 seats (3 Labour, 1 Liberal Democrat)
- Doncaster – 2 seats (1 Mayor, 1 Conservative)
- Rotherham – 2 seats (2 Labour)
- Barnsley – 2 seats (2 Labour)

Council is requested to agree the appointments of 3 Labour Members and 1 Liberal Democrat Member to the South Yorkshire Police and Crime Panel IN 2012/13

(ii) **That the appointment of PCP Members be for one year terms**

This was considered to be the most appropriate option to maintain political balance resulting from any changes that may occur after local elections. Local Authorities may wish to consider continuity of membership to develop skills, knowledge and expertise wherever possible

(iii) **That meetings of South Yorkshire Leaders be convened to consider the allocation of seats to the PCP in South Yorkshire as and when required**

As there is an ongoing requirement to ensure the Balanced Appointment Objective is met, it is necessary to establish an appropriate forum where this can be considered. It has been recommended that a meeting of South Yorkshire Leaders will be convened to consider the allocation of seats in South Yorkshire after future local elections (but in advance of the round of annual Council

meetings) to ensure this can be achieved.

- (iv) **That the appointment of independent co-optees to the PCP be considered once the political membership of the Panel has been determined, and these appointments be agreed by the PCP**

As well as being politically and geographically balanced, PCPs are also expected to be balanced according to expertise, knowledge and skills. It is the Home Office's intention that independent co-optees will be appointed by the PCP to bridge any potential gaps in knowledge or skills. It is recommended, therefore, that the identification of appropriate co-optees to the Panel would be undertaken once the political representation has been agreed and there has been an opportunity to carry out a 'skills audit' of PCP Members. The PCP will carry out a recruitment process during early Autumn to seek to fill the vacancies for co-opted members.

- (v) **That Panel Members be paid £920 annually (as directed by the Home Office) for the first 12 months, and the 'Host Authority' (Rotherham MBC) be requested to arrange for its Remuneration Panel to review the role of Panel Members in 12 months time**

The allowance of £920 has been set by the Home Office to cover expenses only. There is, however, local discretion to review this amount. It is proposed that the Remuneration Panel of the 'host authority' (Rotherham MBC) review this in May 2013 as this will enable a greater understanding of the work undertaken by the PCP and its Members. The host authority's Remuneration Panel would make its recommendations to full Council. A report would be submitted to full Council for approval and any recommendations concerning changes to remuneration should seek agreement from all 4 authorities to ensure consistency.

- (vi) **That the PCP initially operates to the minimum of 4 meetings per year, with sufficient flexibility for additional meetings if required**

This will enable the Panel to carry out the following key scrutiny tasks:

- Budget and precept
- Police and Crime Plan priorities
- PCC's Annual Report
- Performance and financial outturn (quarterly)

It is recognised, however, that as the work of the PCP becomes more established, or if special circumstances dictate, there should be sufficient flexibility to increase the frequency of meetings or add additional meetings into the schedule as and when required

- (vii) **That Rotherham MBC be identified as the Lead Authority to host the PCP and receive the Government funding to cover the cost of supporting the PCP, and that Sheffield City Council chairs the PCP**

A lead or 'host' local authority needs to be assigned for each police force area to hold the Home Office budget allocated for supporting PCPs. This budget is to be the same for each police force area,

regardless of force size, and is £53,000 per annum. It is not considered appropriate for the 4 South Yorkshire Local Authorities to provide any enhancements to this funding package as this will be used to provide appropriate managerial and administrative arrangements. Following a discussion amongst South Yorkshire Leaders, Rotherham MBC has been identified as the host authority for the PCP in South Yorkshire, with agreement being reached that Sheffield City Council will chair the Police and Crime Panel.

(viii) **That the Task and Finish Officer Group continue to meet to provide the necessary sub-regional Officer support to the Panel to ensure its establishment, including detailed work on Panel arrangements and Rules of Procedure**

The Officer Task and Finish Group has begun to develop draft documents for the Rules of Procedure, based on best and emerging practice, with the aim of preparing a draft for consideration at the first meeting of the Panel in early autumn 2012. Work is also underway to consider arrangements for work planning, training and development of Members and the recruitment process for co-opted members. Guidance will also be issued on some of the key areas of activity of the Panel over forthcoming months relating to such issues as the role of the Panel in reviewing budgets and precepts, handling complaints and its role in reviewing the PCC's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy PCC. The Officer Group will continue to work through these issues to ensure the PCP is able to effectively undertake its responsibilities

3. REASONS FOR RECOMMENDED OPTION

- 3.1 As the PCP covers the 4 South Yorkshire Local Authorities, the proposals put forward have been discussed and agreed by South Yorkshire Leaders
- 3.2 The requirement to make 2 independent appointments is in accordance with the legislative requirement of ensuring appropriate Panel size, along with political and geographical proportionality across the force area. Where adequate arrangements are not in place to cover PCP hosting arrangements and geographical and political proportionality, the Home Secretary has the power to intervene to make suitable arrangements.
- 3.3 In terms of remuneration and meeting requirements, the recommended approach allows an opportunity to review activities of the Panel over the first 12 months before evaluating and considering any proposed changes to the PCP's operation

6. FINANCIAL IMPLICATIONS

- 6.1 As the 'host authority', Rotherham MBC will receive the £53,000 fund that the Home Office will allocate to each force area. Rotherham MBC will use this funding to support the work of the Police and Crime Panel as set out in the report. This will also include paying Members' expenses. The nominated Members of the Police and Crime Panel will receive an annual expenses

payment of £920 as stipulated in the Act. The abolition of the current Police Authority for Police and Crime Commissioners will mean that Members will no longer receive their annual allowance for serving on this body.

7. LEGAL IMPLICATIONS

- 7.1 As indicated in this report, the Police Reform and Social Responsibility Act 2011 introduced the requirement for Police and Crime Panels. The detailed provisions are contained in Schedule 6 of the Act, and the proposals in this report reflect the legal position. PCPs are statutory joint committees of the local authorities involved.

8. RECOMMENDATIONS

That the Council agrees:-

- (1) That the PCP consist of 10 Elected Members and 2 independent co-optees
- (2) That Sheffield City Council be allocated 4 of these 10 seats as part of the Balanced Appointment Objective, and will Chair the PCP
- (3) That 3 of Sheffield City Council's PCP seats be set aside for the Labour Group and 1 seat for the Liberal Democrat Group, **and agrees to nominate Members to these positions at today's meeting**
- (4) That the appointment of PCP Members be for 1 year terms
- (5) That meetings of South Yorkshire Leaders be convened to consider the allocation of seats to the South Yorkshire PCP as and when required
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John Mothersole
Chief Executive

PROPORTIONAL SEAT ALLOCATIONS TO LOCAL AUTHORITIES (as agreed at South Yorkshire Leaders on 21 June 2012)

South Yorkshire Police and Crime Panel

Panel Size	10 (+2 co-optees)	Population	Percentage	Seats	Rounded Figure
Area Split			%		
Sheffield		555000	41.80	4.18	4
Doncaster		290600	21.89	2.19	2
Rotherham		254600	19.17	1.92	2
Barnsley		227600	17.14	1.71	2
Total		1327800	100.00	10	10

Political Split

Labour	7	Sheffield	3 Labour, 1 Liberal Democrat
Liberal Democrats	1	Doncaster	1 Mayor, 1 Conservative
Conservatives	1	Rotherham	2 Labour
Mayor	1	Barnsley	2 Labour

Current Police Authority Arrangements

Authority Size

Labour	7	Sheffield	2 Labour, 1 Lib Dem
Liberal Democrats	1	Doncaster	1 Labour, 1 Conservative
Conservatives	1	Rotherham	2 Labour
		Barnsley	2 Labour

PCP Seats (x10)

Mayor						1
Labour	80.29%	x9	equals	7.19	seats	7
Liberal Democrats	9.12%	x9	equals	0.85	seats	1
Conservatives	6.57%	x9	equals	0.59	seats	1
BIG	1.82%	x9	equals	0.16	seats	
Independents/Non Aligned	1.46%	x9	equals	0.13	seats	
Community	0.00%	x9	equals	0.00	seats	
Green Party	0.73%	x9	equals	0.07	seats	
Alliance of Indep Membs Grp	0.00%	x9	equals	0.00	seats	
BNP	0.00%	x9	equals	0.00	seats	
Vacancy	0.00%	x9	equals	0.00	seats	
Total	100%		equals	9.00	seats	10

**CALCULATION OF PROPORTIONAL SEAT ALLOCATION
OF POLICE AND CRIME PANEL FOLLOWING 2012 LOCAL ELECTION
RESULTS**

Barnsley		Rotherham	
Labour	52	Labour	58
Liberal Democrats	0	Liberal Democrats	0
Conservatives	5	Conservatives	4
BIG	5	BIG	0
Independents/Non Aligned	1	Independents/Non Aligned	1
Community	0	Community	0
Green Party	0	Green Party	0
Alliance of Indep Membs		Alliance of Indep Membs Grp	0
Grp	0	BNP	0
BNP	0	Vacancy	0
Vacancy	0		
Total	63	Total	63
Sheffield		Doncaster	
Labour	60	Labour	50
Liberal Democrats	22	Liberal Democrats	3
Conservatives	0	Conservatives	9
BIG	0	BIG	0
Independents/Non Aligned	0	Independents/Non Aligned	2 *
Community	0	Community	0
Green Party	2	Green Party	0
Alliance of Indep Membs		Alliance of Indep Membs Grp	0
Grp	0	BNP	0
BNP	0	Vacancy	0
Vacancy	0		
Total	84	Total	64
		(* includes Mayor Davis for purpose of proportionality)	
Totals		Totals	Percentage
Labour	220	Labour	80.29%
Liberal Democrats	25	Liberal Democrats	9.12%
Conservatives	18	Conservatives	6.57%
BIG	5	BIG	1.82%
Independents/Non Aligned	4	Independents/Non Aligned	1.46%
Community	0	Community	0.00%
Green Party	2	Green Party	0.73%
Alliance of Indep Membs		Alliance of Indep Membs Grp	0.00%
Grp	0	BNP	0.00%
BNP	0	Vacancy	0.00%
Vacancy	0		
Total	274	Total	100.00%