

**Cheltenham Borough Council**  
**Council – 14 May 2012**  
**Gloucestershire Police and Crime Panel**

<b>Accountable member</b>	Cabinet Member Corporate Services
<b>Accountable officer</b>	Director of Commissioning, Jane Griffiths
<b>Accountable scrutiny committee</b>	Overview and Scrutiny Committee
<b>Ward(s) affected</b>	All
<b>Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The Police Reform and Social Responsibility Act 2011 requires each police area in England to establish a Police and Crime Panel. The Panel will publicly scrutinise the Police and Crime Commissioner who themselves will hold the Chief Constable of their force to account. In Gloucestershire, the Panel will be a joint scrutiny committee of the seven councils.</p> <p>Each borough council is being asked to appoint a Member and a Deputy Member to the Gloucestershire Police &amp; Crime Panel, and to adopt the terms of reference and panel arrangements.</p>
<b>Recommendations</b>	<p>Council is asked to <b>RESOLVE</b> that</p> <ol style="list-style-type: none"> <li>(1) <b>One Member and one Deputy Member be appointed to the Gloucestershire Police &amp; Crime Panel.</b></li> <li>(2) <b>The terms of reference attached at Appendix 1 and the panels arrangements attached at Appendix 2 be adopted.</b></li> <li>(3) <b>That the Chair of the Panel receive a special responsibility allowance of £5,808 and that Members of the Panel be able to claim travel, subsistence and carers' allowances from Gloucestershire County Council.</b></li> <li>(4) <b>Gloucestershire County Council be the host authority in establishing the Panel and providing the necessary officer support.</b></li> <li>(5) <b>The Council's Constitution be amended accordingly.</b></li> </ol>

<b>Financial implications</b>	<p>The Home Office have indicated that they will be providing funds to cover members' allowances and support to the Panel from October 2012. There are no direct financial implications for this Council as it is proposed that the County Council receive the funding and provide the necessary officer support to the Panel and payment of any members allowances or expenses.</p> <p><b>Contact officer: Mark Sheldon, Director of Resources</b></p> <p><b>mark.sheldon@cheltenham.gov.uk, 01242 264123</b></p>
<b>Legal implications</b>	<p>The Police Reform and Social Responsibility Act 2011 requires all local authorities in a police area to establish a police and crime panel. The panel exercises scrutiny functions and, in a multi-authority area, is a joint committee. The Act contains detailed provisions which, amongst other things, set out the basic terms of reference for a panel and require the local authorities to agree the panel arrangements or modifications thereof which, once agreed, must be complied with by both the local authorities and members of the panel. The panel must make its own rules of procedure.</p> <p><b>Contact officer: peter.lewis@tewkesbury.gov.uk, 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p><i>There are no HR implications arising directly from this report as Gloucestershire County Council will be providing officer support to the Panel.</i></p> <p><b>Contact officer: , @cheltenham.gov.uk, 01242</b></p>
<b>Key risks</b>	<p>See Appendix 1</p>
<b>Corporate and community plan Implications</b>	<p>Establishment of a Police &amp; Crime Panel is a statutory requirement of the Police and Social Responsibility Act 2011 intended to benefit all of the County's residents by securing efficient and effective policing.</p> <p>The Police &amp; Crime Panel publicly scrutinise the Police &amp; Crime Commissioner who themselves will hold the Chief Constable of their force to account. The Police &amp; Crime Commissioner will be charged with efficient and effective policing in Gloucestershire.</p>
<b>Environmental and climate change implications</b>	<p>There are no sustainability implications arising directly from this report.</p>

## **1. Background**

- 1.1** The Police Reform and Social Responsibility Act 2011 requires each police area in England to establish a Police and Crime Panel. The Panel will publicly scrutinise the Police and Crime Commissioner who themselves will hold the Chief Constable of their force to account. In Gloucestershire, the Panel will be a joint scrutiny committee of the seven councils.
- 1.2** At a Leadership Gloucestershire meeting held in November 2011, the Leaders of the seven councils (or their representatives) agreed in principle that:
- Gloucestershire County Council should act as the host authority in establishing the Panel and providing the necessary officer support.
  - The Panel should be made up of 10 non-executive councillors and two independent non-elected Members (although at a later meeting a request was made that local authorities should not be restricted in who they choose to sit on the Panel).
  - The elected membership should be made up of six district councillors and four county councillors.
- 1.3** There already exists in the county well established joint scrutiny arrangements for community safety and Members of that body have been closely involved in developing the working arrangements for the Panel. In addition, presentations on the role of the Panel have been made at each council and at meetings of the Gloucestershire Scrutiny Group which includes Members and officers from the seven councils. This early engagement of Members has allowed concerns to be addressed and for the working arrangements to be shaped to meet local needs.
- 1.4** The Act requires that the Panel is politically balanced as far as reasonably practicable across the 320 district and county councillors in Gloucestershire. If the initial appointments by the seven councils do not result in political balance then it is proposed that a minimum number of 'top up' Members be appointed by the Panel to achieve this. The responsibility for recommending the appointment of 'top up' Members will lie with the Leader of Gloucestershire County Council, and consultation will take place with the Leaders of the relevant political group before making a recommendation.
- 1.5** The Panel arrangements do not require the Council to appoint a non-executive Member. The appointment of executive Members could, however, result in a potential conflict of interest as the commissioner will need to have a working relationship with Cabinet Members. It is also important for the new Cheltenham BC O&S committee to be able to feed issues through to the Panel and receive feedback and this process would be facilitated if the appointment was a scrutiny member. If an executive Member was appointed then consideration would need to be given as to how this 2 way communication would take place.
- 1.6** The Home Office have indicated that they will be providing funds to cover Members' allowances and support to the Panel from October 2012. The special responsibility allowances for the Panel have been assessed by the Independent Remuneration Panel at the County Council and a recommendation has been made that the Chair should receive a special responsibility allowance of £5,808 each year. This is in line with the special responsibility allowances paid to the Chairs of the scrutiny committees at the County Council and payments will be made by the County Council. The Chair of the Panel could be either a County Councillor or a District Councillor. Members of the Panel will be able to claim travel, subsistence and carers' allowances from the County Council.
- 1.7** The County Council have assigned an officer from Democratic Services to support the Police and Crime Panel.

1.8 Following the appointment of Members and adoption of the terms of reference and Panel arrangements by each of the seven local authorities, it is intended that the first meeting of the Panel will be held in June to allow it to consider its role and develop a work plan.

## 2. Reasons for recommendations

2.1 To comply with the provisions of the Police Reform and Social Responsibility Act 2011, which require the local authorities of each police area in England to establish a Police and Crime Panel. In Gloucestershire. The Panel will be a joint scrutiny committee of the seven councils and this Council is asked to appoint one Member and one Deputy Member to the Panel and to adopt the terms of reference and Panel arrangements.

## 3. Alternative options considered

3.1 The original proposal for the Panel's membership was that it be formed of non-executive councillors only. This was rejected as being unnecessarily restrictive.

## 4. Consultation and feedback

4.1 Consultation has taken place with Leadership Gloucestershire and the Gloucestershire Scrutiny network. Officers from the county scrutiny team have also attended a scrutiny workshop at each district council to brief members and get feedback on the new arrangements.

## 5. Performance management –monitoring and review

5.1 Will be monitored by the County Council Scrutiny committee and the Cheltenham BC overview and scrutiny committee will receive regular updates.

<b>Report author</b>	<b>Contact officer: Rosalind Reeves, Democratic Services Manager, Rosalind.reeves@cheltenham.gov.uk, 01242 77 4937</b>
<b>Appendices</b>	1. Risk Assessment 2. Terms of Reference 3. Panel Arrangements
<b>Background information</b>	1. None

The risk				Original risk score (impact x likelihood)			Managing risk					
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register	
	If a Cabinet Member is appointed to the panel there could be a potential conflict as the Police Commissioner will need to have a working relationship with some Cabinet Members		18/04/2012	2	4	8	Reduce	Consider a non-exec appointment Advise members accordingly				
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>												