

## **Cabinet – 4 April 2012**

### **Police Reform and Social Responsibility Act 2011**

**Portfolio:** Councillor Ali – Communities and Partnerships

**Service:** Community Safety

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1 The report considers issues relating to the appointment of the Police and Crime Panel under the Police Reform and Social Responsibility Act 2011. It sets out the responsibilities of the position and the role of the Police and Crime Panel which the council, with other local authorities in the West Midlands police area, will need to establish.
- 1.2 Birmingham City Council is the host authority for the West Midlands Joint Committee and will also be the host authority for the Panel.

#### **2. Recommendations**

- It is recommended that Cabinet:
- 2.1 Approves the appointment of a Police and Crime Panel for the West Midlands comprising 12 elected members, subject to the approval of the Home Secretary.
  - 2.2 Notes that the panel will operate in shadow form from June 2012 until the election of the Police and Crime Commissioner in November 2012.
  - 2.3 Notes that the Council will make its appointment(s) to the panel at the Annual Meeting of the Council in May.

#### **3. Report detail**

- 3.1 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 15 November 2012 and the new commissioner will take office on the 22 November for an initial term that will expire in May 2016.
- 3.2 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.

3.3 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.

3.4 Composition of Police and Crime Panel

3.4.1 The panel comprises a minimum of 10 councillors (which must include any elected Mayor) with each of the seven districts within the West Midlands Force area having a least one place. There must also be an additional two 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.

3.4.2 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):

- represent all parts of the Police area.
- represent the political make-up of all of the districts, and;
- have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.

3.4.3 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 seven districts as follows:-

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

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

3.4.4 Based on the current number of seats held by political parties within the seven districts this would produce the following political balance:

Labour	6
Conservative	5
Liberal Democrat	1
	12

3.4.5 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.

3.4.6 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.

Under the Act the panel will operate in accordance with "Panel Arrangements" which are currently being drafted.

3.4.7 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.

#### **4. Council priorities**

Community safety is one of the top priorities of the council. The police are key partners in addressing this priority and there is a history of strong collaboration. The introduction of the Police and Crime Commissioner could have a significant impact on the priorities of West Midlands Police.

#### **5. Risk management**

None

#### **6. Financial implications**

6.1 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.

6.2 As the host organisation, Birmingham will hold and administer the funding.

#### **7. Legal implications**

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.

#### **8. Property implications**

None

#### **9. Staffing implications**

None

#### **10. Equality implications**

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

## 11. Consultation

West Midlands Police Authority and other local authorities in the West Midlands conurbation.

### Background papers

None

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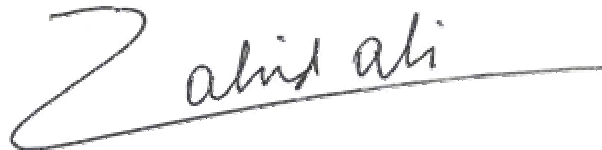
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27 March 2012

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