



Report to Safer & Stronger Communities Scrutiny & Policy Development Committee 11 September 2012

Report of: Richard Webb, Executive Director Communities

Subject: Police and Crime Commissioner/Police and Crime Panel

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Summary:

This paper sets out the forthcoming changes to the policing governance landscape through the Police and Crime Commissioner and Police and Crime Panel, and describes Sheffield's response to these reforms.

Type of item: The report author should tick the appropriate box

Reviewing of existing policy	
Informing the development of new policy	x
Statutory consultation	
Performance / budget monitoring report	
Cabinet request for scrutiny	
Full Council request for scrutiny	
Community Assembly request for scrutiny	
Call-in of Cabinet decision	
Briefing paper for the Scrutiny Committee	x
Other	

The Scrutiny Committee is being asked to:

Note the contents of the report and provide any thoughts or comments on the proposals

Background Papers: NONE

Category of Report: OPEN

Report of the Executive Director of Communities

Police and Crime Commissioner/Police and Crime Panel

1. Introduction

- 1.1 The Police Reform and Social Responsibility Act 2011 abolishes all existing Police Authorities, outside London, 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 also 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.

2. The Police and Crime Commissioner

Policy context

- 2.1 Police and Crime Commissioners aim to:
- Play a leading role in how crime is tackled in their force area
 - Bring the voice of the people into policing and bring the community together to tackle crime, and
 - Hold the Chief Constable and police force to account for reducing crime
- 2.2 The PCC will be held to account at the ballot box for the delivery of their community safety priorities to the public. In particular, this refers to the following:

Key roles	What this actually means
Setting the strategic direction and accountability for policing	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Ensuring that public priorities are acted upon and that the most vulnerable individuals are not

	overlooked
Contributing to resourcing of policing response to regional and national threats (Strategic Policing Requirement)	<ul style="list-style-type: none"> Ensuring an effective policing contribution, alongside other partners, to national arrangements to protect the public from cross-boundary threats
Ensuring value for money	<ul style="list-style-type: none"> 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

2.3 The South Yorkshire Police and Crime Commissioner will therefore have significant powers. They will be responsible for all community safety funding, including central government funding, and the police precept component of Council Tax. The PCC will decide on the police budget for South Yorkshire and allocate funding and assets to the Chief Constable. The PCC will also have the power to appoint or dismiss the Chief Constable with agreement, but the Chief Constable will continue to appoint all Police Officers. The Chief Constable will continue to be operationally independent and will remain accountable to the law for the exercise of police powers. The Chief Constable for South Yorkshire will be accountable to the Police and Crime Commissioner for the delivery of efficient and effective policing and the management of resources and expenditure. Under these new arrangements, it is clear that the Chief Constable for South Yorkshire will be required to become more financially active.

2.4 The PCC will also be responsible for establishing their own support team. The PCC is required to appoint a Chief Executive, who in turn will employ administrative staff and will have a monitoring role in ensuring that standards are upheld. The PCC will also appoint a Chief Finance Officer/Treasurer to advise on financial matters and the impact of spending decisions. In addition, it is likely that the PCC will require additional specialist support, for example on media/communications and commissioning.

Partnership working

2.5 Partnership working will be important to the success of the Police and Crime Commissioner. The PCC will need to work with the right organisations across the sub-region to deliver against their Police and Crime plan priorities. There is a reciprocal duty on the PCC and relevant local agencies, through the legislation, to co-operate and to have regard to each other's priorities. The PCC may commission services from local agencies, or jointly commission with local agencies, or a mixture of both. There is, however, the potential for significant tension and conflict of interest between the duty to co-operate and the formal commission-contractor relationship.

2.6 The Sheffield First Safer and Sustainable Communities Partnership will be the key forum by which the City Council will work with the South Yorkshire PCC.

Relationships will also be developed through the Police and Crime Panel (described later in this report). The Police and Crime Commissioner will be able to require reports from partnerships or bring together Community Safety Partnerships across the South Yorkshire force area to discuss key issues and priorities.

Local planning arrangements

- 2.7 A South Yorkshire Police Authority (SYPA) 'Transition Board' has been established to ensure that effective transitional planning arrangements are in place ahead of the Police and Crime Commissioner election in November 2012.

Strategic Planning Framework

- 2.8 A strategic planning process has been designed for the PCC, constructed around a rolling cycle of 4 key stages. These are:

Stage 1: Where are we now?

This initial stage involves a stock take of both current service delivery and resources and will evaluate how current resources are being utilised and weighed against future needs and the potential availability of future resources. This process will normally take place in early summer

Stage 2: Where do we want to be?

This stage will review and, where necessary, reshape the local vision, objectives and priorities. This stage will normally take place between July and November

Stage 3: What do others think?

This is the preparation of formal documents stage, including the Police and Crime Plan and the Medium Term Financial Plan and Budget. It is during this stage, from November to February, that the PCC will engage formally with the PCP, community safety partners and the public and will firm up plans for commissioning or decommissioning community safety services.

Stage 4: How are we doing?

This stage will involve the process of monitoring service delivery commissioned by the PCC

Implementation Plan

- 2.9 The transition from the Police Authority to the Police and Crime Commissioner will have both management and support arrangement implications. As such, an Implementation Plan has been developed by SYPA to aid the smooth transition to these new police governance arrangements from November 2012 onwards. For example, for Support Staff, the transition to the Police and Crime Commissioner will have implications for the 20 or so full-time equivalent staff that currently provide support to the SYPA, including the Chief Executive and Treasurer roles.
- 2.10 In relation to audit, under the new policing structure, the Chief Constable will assume wider financial responsibilities. The SYPA's internal audit is currently supplied by the Joint Secretariat, and the strategic head of Internal Audit role is provided under a Service Level Agreement with the Head of Internal Audit at Barnsley MBC. Discussions have been taking place with the Chief Constable and the Force Director of Finance, and agreement has been reached on the delivery of internal audit requirements under the new structure.

- 2.11 There will also be a requirement for an Audit Committee. Guidance within the Home Office Financial Management Code of Practice is that this should be a shared committee supporting both the PCC and the Chief Constable. It has been proposed that an interim Committee is established in advance of November to continue into the new structure but enabling the PCC to put in place his own arrangement at a point in the future.

Establishing office of PCC

- 2.12 Work is now accelerating with the creation of the financial and other management processes that the PCC will require, and establishing a base of information for the PCC to access, to be acknowledged as the 'Commissioner's bookshelf, about policing, the public sector in South Yorkshire in general as well as management techniques. This information base has been split into 5 broad categories:

- Structure
- Fundamental governance processes
- Reporting processes
- Information
- Management techniques

Accommodation for the office of the PCC will be provided at the Joint Secretariat offices in Barnsley.

Communications Plan

- 2.13 A public awareness raising communications plan has been developed by SYPA as there is concern about the possibility of a low turnout at November's election. Turnout for the local elections in May 2012 in South Yorkshire was around 30%, and current awareness and understanding of Police and Crime Commissioners, the general policy, their role and their benefits is also low. In recent weeks, the Home Office have secured £3m from the Treasury to further promote PCC elections and a series of promotional adverts are planned nationally from October up to the election on 15 November 2012.

- 2.14 The Home Office have also stipulated that the role of police authorities, forces and local authorities is to help raise public and stakeholder awareness of the elections. The City Council has developed an elections and communications plan to raise the profile of the PCC election in South Yorkshire. In addition, the SYPA have developed a corporate brand ('thinkpcc') and an independent website (www.southyorks.gov.uk/thinkpcc) has been created providing a one-stop shop for information about the forthcoming South Yorkshire Police and Crime Commissioner, including information about the purpose of the role, the election itself, candidate briefings as well as a section for frequently asked questions.

- 2.15 Other communications work that has been planned by SYPA includes:
- Raising the profile of the PCC election at the Lord Mayor's Parade in Barnsley
 - Identifying the top employers in South Yorkshire to facilitate PCC awareness raising messages to their employees

- Contacting public sector organisations such as local authorities, NHS and South Yorkshire Fire & Rescue Service to establish how they may assist in raising awareness with their staff
- Working with local authorities to establish where to display promotional material in prominent positions across the county, for example outside the South Yorkshire Joint Secretariat and Sheffield Town Hall
- Sourcing an appropriate venue to hold a PCC Question and Answer session with prospective PCC candidates, and working with Public-i to establish how the event can be webcast live and recorded
- Working with local media organisations to establish how they can assist in raising awareness
- Working with local universities to establish the best way of raising awareness with students
- Contacting football clubs in the region (and other sports clubs) to see how SYPA can work with them to raise awareness of the PCC election

3. The Police and Crime Panel (PCP)

- 3.1 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
- 3.2 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
- 3.3 At a meeting of South Yorkshire Leaders on 21 June 2012 initial options for the composition of the South Yorkshire Police and Crime Panel were considered. The following PCP arrangements were recommended:

a) The PCP should consist of 10 Elected Members and 2 independent co-optees

As the South Yorkshire 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. The composition of the PCP, under the legislation, requires satisfaction of the 'balanced appointment objective'. This means that local authority Members, when taken together, represent the South Yorkshire force area both geographically

and politically in a balanced manner. Provided that the 'balanced appointment objective' is met, each local authority is free to determine which Members are best placed to serve on the PCP. The geographical and political breakdown of the 10 Member South Yorkshire 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)

b) The appointment of PCP Members should be for one year terms

PCP composition needs to remain both geographically and politically representative of the South Yorkshire force area. It is therefore important that the PCP make-up is responsive to any political changes that may occur following local elections. It has been suggested, however, that local authorities may wish to consider continuity of PCP membership for the development of skills, knowledge and expertise.

c) Meetings of South Yorkshire Leaders should be convened to consider the allocation of seats to the PCP in South Yorkshire as and when required

To ensure that the balanced appointment objective is met, it has been recommended that a meeting of South Yorkshire Leaders be convened to consider the allocation of PCP seats in South Yorkshire following future local election results, but in advance of the round of annual Council meetings.

d) The appointment of independent co-optees to the PCP should be considered once the political membership of the panel has been determined, and these appointments should be agreed by the PCP

As well as being both politically and geographically balanced, PCPs are expected to be balanced according to expertise, knowledge and skills. The Home Office have indicated that independent co-optees will be appointed by the PCP to bridge any gaps in knowledge, expertise or skills. The identification of appropriate co-optees to the PCP will be undertaken once the political representation has been formally agreed and there has been an opportunity to undertake 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.

e) 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 nationally by the Home Office to cover member expenses only. There is, however, local discretion to review this amount in the future. It has been proposed that Rotherham MBC's Remuneration Panel, as the 'host authority', review this in May 2013 as this will enable a greater understanding of the work undertaken by the PCP. Rotherham MBC's Remuneration Panel will make its recommendations to the full Councils of the local authorities within the South Yorkshire force area. A report would be submitted to full Council for approval and any recommendations concerning changes to remuneration should would agreement from all four local authorities to ensure a consistent approach.

f) The PCP should initially operate 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

It has been acknowledged, 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.

g) 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 the work of the PCP. This budget is to be the same for each police force area, regardless of force size, and is £53,000 per annum. It has not been 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.

h) The Task and Finish Officer Group should 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.

4 What does this mean for the people of Sheffield?

- 4.1 The election of the South Yorkshire Police and Crime Commissioner will have important implications for the normal everyday lives of the people of Sheffield. The PCC will help to ensure that public priorities are acted upon and that the most vulnerable individuals in Sheffield are not overlooked. The PCC is designed to bring public accountability as the core focus of policing in the city, and across the entire South Yorkshire force area.

5. Recommendation

- 5.1 The Committee is asked to consider the proposals and provide views and comments accordingly

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