



Home Office

HOME SECRETARY

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Local Authority Leaders
England

23 JAN 2012

Dear All,

You will be aware that the Police Reform and Social Responsibility Bill received Royal Assent on 15 September 2011. The Act sets out provision for 41 Police and Crime Commissioners to be directly elected in force areas across England and Wales. A Police and Crime Panel, comprised of local councillors and independent members, will also be established in every force area, to undertake an important scrutiny function, acting as a critical friend to the new Police and Crime Commissioner. I would now like to invite you to begin preparations for establishing your Panel.


Policing remains a priority for citizens across the country. Local authorities and elected members, in representing their local communities, will have two key roles to play in this police reform. Firstly, they will be important partners with whom the Commissioner will need to work collaboratively. Secondly, they will be the driving force behind the Police and Crime Panel which will scrutinise the performance of the Police and Crime Commissioner, providing both support and challenge.

Local authorities across the force area will need to work together to establish and maintain the Panel. This will include nominating a host authority to administer the Panel, agreeing working arrangements and membership. To assist this, the role, responsibilities and powers of the Panel have been set out in the enclosed note.

I am clear that the best and most locally meaningful Panel arrangements will be those which are agreed locally. I therefore invite you to collectively agree your Panel membership, ensuring balance, and to agree a host authority and your Panel arrangements by July 2012. Details should be provided to jonathan.bugg@homeoffice.gsi.gov.uk.

Panels will not need to exercise their functions until Police and Crime Commissioners come into post in November 2012. However, in order to ensure that local councillors who have been appointed to Panels are able to meet to agree their rules of procedure, including any additional co-option, we will provide an additional month's funding. This means that funding will begin for Police and Crime Panels in October 2012.

Further detail on the regulations and Home Office guidance on establishing Panels, will be published in March 2012.

Yours sincerely


The Rt Hon Theresa May MP

CC: Local Authority Chief Executives

Statement of role, responsibilities and powers of Police and Crime Panels

Police and Crime Panels are being introduced in every force area to scrutinise the actions and decisions of Police and Crime Commissioners. Panels will support and challenge the Commissioners in the exercise of their functions, acting as a critical friend.

Panels will not replace police authorities and therefore will not have a role in scrutinising the performance of the force. This is the role of the Commissioner.

Purpose

Panels will focus their attention on key strategic actions and decisions taken by the Commissioner including whether they have achieved the objectives set out in their Police and Crime Plan and Annual Report, considered the priorities of community safety partners and consulted appropriately with the public.

Local authorities and Commissioners will need to establish effective local leadership and partnership working relationships **outside** of the Panel. The Panel will not be the main vehicle for local authorities to influence the Commissioner; it will instead have a number of specific functions to carry out.

Transparency will be a key tool for the Panel; ensuring information is available to the public so that they can hold the Commissioner to account for their decisions.

Powers

Panels have specific responsibilities around the **Police and Crime Plan and Annual Report**. These include making reports and recommendations about each of the two documents, to which the Commissioner must have regard and provide a response.

Panels can also make reports or recommendations about the proposals by the Commissioner on:

- The level of the precept; and
- The appointment of a Chief Constable.

The Panel can veto the Commissioner's proposals on these two issues with a two thirds majority vote.

To ensure transparency and openness, the Panel must publish all reports and recommendations that it makes and forward a copy to all local authorities in the force area. The Commissioner is required to also publish their responses to the Panel. The Panel must hold a public meeting to discuss the Annual Report and to question the Commissioner regarding any concerns.

Other specific powers held by the Panel include:

- Asking HMIC for a professional view when the Commissioner intends to dismiss the chief constable. In cases of dismissal (forced resignation or retirement) the Panel must hold a scrutiny hearing and make a recommendation to the Commissioner.
- Appointing an acting Commissioner where the elected Commissioner is incapacitated, resigns or is disqualified.

- Holding confirmation hearings for key staff – Chief Executive and Chief Finance Officer and for any Deputy. The Panel will have no power of veto but could make a recommendation to the Commissioner.
- Monitoring complaints against the Commissioner and resolving non-criminal complaints.

Police and Crime Panels have additional powers to enable their strategic scrutiny function including:

- requiring any papers in the Commissioner's possession (except those that are operationally sensitive);
- requiring the Commissioner (and their staff) to attend the Panel to answer questions;
- Inviting the Chief Constable to attend any such meetings; and
- Making reports and recommendations on any action or decision of the Commissioner.

Membership

Panels will comprise of at least one elected representative (councillors or, where relevant, elected mayors) from each local authority (Unitary, County and District) within the force area and two independent members or co-optees. There should be a minimum of ten elected representatives. In areas with fewer than ten local authorities, each authority will be allocated one member with the distribution of the remaining seats to be negotiated between authorities locally.

In appointing Panel members local authorities must consider, as far as is practicable, the balanced appointment objective laid out in the Act. This includes the make-up of the local areas, including the political make-up, and the required skills, knowledge and experience for the Panel to function effectively.

Once established, Panels will be able, with the Home Secretary's consent, to co-opt further members, both elected and independent, up to a maximum Panel size of twenty.

What next?

Local authorities

Local authorities across each force area will need to reach consensus on arrangements for the Panel and begin to think about the Panel membership. It is anticipated that they will nominate a host authority to administer the Panel.

Effective communication between an individual authority's crime and disorder overview and scrutiny committee, community safety partnership and Panel member(s) will be important in enabling the Panel to take a strategic view. Local authorities could begin to consider what these internal arrangements could look like.

Local authorities across a force area will need to write to the Home Office in July 2012 with full details of their host authority, Panel arrangements and membership. Further detail on this requirement will be issued in due course following publication of the related Regulations.

Home Office

The Home Office will issue guidance on establishing Panels following publication of the related Regulations, due to be laid in parliament in March 2012. The Home Office are also currently running a series of engagement events across England and Wales. These events will bring together partners working across a maximum of three police force areas, with the intention of aiding local discussions and preparations for the arrival of Commissioners next November. This will include a dedicated session for strategic leaders. Invites have already been issued however if you require further detail please email

PCCPartnersEnquiries@homeoffice.gsi.gov.uk.

FAQ

What is the status of a Panel in England?

In England, Panels will be committees of local authorities.

How much funding will the Home Office provide?

The Home Office will provide funding to help Panels to do the job required of them under the new legislation. This funding will be a total of £53,300 for support and running costs. In addition we will make available up to £920 per member of the Panel (including additional co-optees) to fund necessary expenses.

Has the funding increased?

The original funding allocation was based on the first draft of the legislation. Since then, additional legislation has clarified the role and potentially increased the size of Panels. This includes legislation derived from amendments to the Bill during its passage through the House of Lords and the development of specific regulations in relation to complaints. We have been clear that we will fund Panels to do the job set out for them under the legislation. As a result, we have increased the funding allocation for Panels to £53,300 per area for support and running costs. We have also made available funding to cover the necessary expenses of all Panel members, including the additional co-opted members.

When will funding begin?

Funding will begin in October 2012. This will ensure that the Panel can meet and agree procedures before Commissioners are in place in November, when the work of Police and Crime Panels really begins.

How will the host authority be chosen?

It is anticipated that local authorities across the force area will come together to agree on a nomination.

What will be the role of the host authority?

The host authority will receive funding from the Home Office for establishing the Panel. Using these funds the authority will service the Panel like any other committee under its jurisdiction.

Who decides how the Panel is going to function?

Local authorities will be free to establish their own Panel arrangements within the framework set out in the Act. This flexibility will allow for local discretion in the running of Panels and will enable local authorities to absorb these new functions into their current working arrangements. Panels themselves will decide on the members to be co-opted and their Panel procedures.

