

Police and Crime Panels (Wales)

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 commissioner in the exercise of their functions, acting as a critical friend.

Panels will not replace police authorities and therefore will not be responsible for 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 applicable priorities of community safety partners and consulted appropriately with the public.

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

Status

Panels in Wales are not local authority committees but free-standing public bodies set up and maintained by the Home Secretary in accordance with the Police Reform and Social Responsibility Act.

Panel Powers

The functions of a panel in Wales are those set out in the Act and are the same as those of a panel in England.

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 must make reports about the proposals by the commissioner on:

- The level of the precept. They *may* also make a recommendation; and
- The appointment of a chief constable. They *must* also make a recommendation.

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. The commissioner is required to also publish their responses to the panel. The panel must also question the commissioner about any concerns about the Annual Report in an open public forum.

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. Panels 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 to support their scrutiny of the commissioner; and
- making reports and recommendations on any action and decision of the commissioner.

Membership

Panels in Wales will comprise of at least one councillor from each local authority within the force area and two independent co-optees. Panels should include a minimum of ten elected representatives; therefore each authority will have one place for one of their members by right, with the distribution of the remaining seats to be determined by local authorities or the Home Secretary.

Councillors are democratically accountable to the public and are aware of the principles of scrutiny. Therefore they will make up the majority of the panel. However, as panels are freestanding bodies in Wales, membership will be a voluntary public appointment.

Being a councillor is what makes the person eligible for appointment to a panel, but the person does not act in their capacity as councillor when serving on the panel. Serving on the panel is not part of their local authority duties, any more than if they were appointed to any other public office in tandem with being a councillor.

In Wales, the Home Secretary will be responsible for establishing panels. However, to ensure that these panels are right for the local area she will invite local authorities within Wales to take a leading role in this process. This will include inviting local authorities in the force area to nominate councillors for appointment to the panel.

In nominating 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. In the absence of nominations, the Home Secretary will nominate members of local authorities for the panel taking into account the need for balance. The detail of this backstop process will be detailed in guidance.

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.

Establishing Panels

Local authorities

The process for establishing panels will be the same in Wales and England as far as is practicable under provisions in the Act. The power to decide the practical arrangements for the operation of a panel in Wales rests with the Home Secretary; however she will accept agreed arrangements suggested to her by the local authorities. For example, local authorities across a force area will be free to nominate a host authority to administer the panel. 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. In the absence of suggestions from the local authorities, the Home Secretary will decide the panel arrangements herself.

Although panels will be outside local authority structures, there will be significant opportunities to consider the relationship between the panel and other local authority structures, such as crime and disorder overview and scrutiny committees and community safety partners. This will ensure that panel members are fully informed and engagement between the commissioner and panel is purposeful.

Home Office

The Home Office will issue guidance on establishing panels, and will publish related Regulations, in Spring 2012.

FAQ

What is the status of a panel in Wales?

A PCP in Wales is not a local authority committee but is a free-standing public body set up and maintained by the Home Secretary in accordance with Sch.6 to the Act.

It is an unincorporated association – that is, a body of people with no corporate legal personality separate from that of its members.

The functions of a panel in Wales are those set out in the Act and are the same as those of a panel in England.

What is the status of panel decisions in Wales?

The Act confers various functions on panels. A decision of the panel as to how to exercise those functions is a decision of the panel. It is not a decision of the Home Secretary, the local authorities or anyone else.

How will the panel power of veto over precept work in Wales?

The Act does not make any change to the Local Government Finance Act 1992 except for: replacing police authorities with the commissioner as the major precepting authority; and making provision for panels to scrutinise the commissioner's precept.

The 1992 Act provisions on capping remain unchanged and Welsh Ministers will continue to have their current capping powers. The commissioner will need to be mindful of these when setting the precept.

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 per panel per annum for support and running costs. In addition we will make available up to £920 per member of the Panel (including additional co-optees) per annum to fund necessary expenses. Funding in 2012/13 will be approximately half this annual amount as panels will only be in place for six months of the financial year (October to March).

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 against the Commissioner. 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 per annum 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.

What will be the role of the host authority?

Panels in Wales will be established outside of local government structures and will not be committees of local authorities. However, local authorities will be enabled to take ownership of panels so that they reflect and fit within the force area structures as far as is practicable. In order for this to occur, as in England, a host authority from within the force area could be nominated. They would then receive funding from the Home Office for establishing and maintaining the panel.

Who decides how the Panel is going to function?

The Home Secretary will have responsibility for ensuring that a panel is established. This will include ensuring that the panel is balanced as far as is practicable, taking into consideration the make-up of the area, including the political make-up, and the skills, experience and knowledge required for its functioning. It will also include

establishing panel arrangements (details of which are set out in the Act and include arrangements for co-options and appointments).

However, to ensure that panels in Wales are right for the local area she will invite local authorities within Wales to take a leading role in this process. This will include inviting them to nominate members and produce their own panel arrangements which fit into their current working structures.