

**Manchester City Council
Report for Resolution**

Report to: Executive – 24th October 2012
Subject: Police and Crime Panel - Panel Arrangements
Report of: City Solicitor

Summary

This report sets out the formal Panel Arrangements proposed in Greater Manchester in relation to the establishment of a Police and Crime Panel pursuant to the Police Reform and Social Responsibility Act 2011.

Recommendations

1. To approve the Panel Arrangements at Annex 1 in connection with the establishment of the Greater Manchester Police and Crime Panel (GMPCP) as a joint committee of the Greater Manchester district councils pursuant to the Police Reform and Social Responsibility Act 2011.
 2. To note that the Council has appointed the Leader as its member on the GMPCP.
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Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Reduction in crime and disorder is an essential element in promoting the attraction of the sub region for investment.
Reaching full potential in education and employment	Not directly applicable.
Individual and collective self esteem – mutual respect	Not directly applicable.
Neighbourhoods of Choice	Reduction in crime and disorder is an essential element in promoting neighbourhoods of choice.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

The costs of the Police & Crime Panel will be met through existing AGMA budgets and a Home Office grant.

Financial Consequences – Capital

None

Contact Officers:

Name: Rodney Lund
Position: Assistant City Solicitor
Telephone: 0161-234 4019
E-mail: r.lund@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Report to AGMA Executive of 29 June 2012.

1.0 Introduction

- 1.1 This report sets out the formal legal arrangements necessary to underpin the organisation and operation of the Police and Crime Panel in Greater Manchester. These arrangements have been agreed by the AGMA Executive and have been referred to individual Greater Manchester authorities for adoption.

2.0 Background

- 2.1 The Police Reform and Social Responsibility Act 2011 (“the Act”) places a responsibility on local authorities within a police area to establish and maintain a Police and Crime Panel (PCP) linked to establishment of the post of Police and Crime Commissioner (PCC) for which elections are being held on 15 November 2012.

- 2.2 The functions of the PCP are to review and scrutinise decisions and actions of the PCC and in particular to scrutinise –

- the police and crime plan
- the PCC’s annual report
- the PCC’s precept
- the appointment of the Chief Constable
- the PCC’s senior appointments

- 2.3 The AGMA Executive agreed that the Greater Manchester PCP which is a joint committee of the 10 AGMA district councils should have a common membership with the AGMA Executive with the addition of the two mandatory co-opted independent members. Pursuant to this, the City Council has appointed the Leader as its member on the PCP.

3.0 Panel Arrangements

- 3.1 The Act requires the local authorities in a police area to make formal panel arrangements which must be approved by each individual authority. At its meeting in June the AGMA Executive agreed panel agreements which it recommends should be adopted by all the AGMA authorities.

- 3.2 The proposed panel arrangements are attached at Annex 1 to this report. The key provisions are as follows –

- Each constituent Council will appoint one of its members as an appointed member of the PCP, which member should be the Leader of the Council or, where relevant, the Elected Mayor.
- The PCP will co-opt two independent persons to be the mandatory co-opted members of the PCP. These members should have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively.

- There are arrangements in certain circumstances to co-opt a sufficient number of councillors from the constituent councils to secure, as far as reasonably practicable that the political make-up of the PCP reflects the make-up of the constituent councils. This will apply, in particular, where a political party with significant representation on the constituent councils (when taken together) would not otherwise have representation on the PCP [*This does not currently apply*]. Any co-opted of such members must be unanimously agreed by the PCP and subsequently by the Secretary of State.
- The PCP is required to prepare and agree a budget before the end of January each year to cover its estimate of costs in relation to the exercise of its functions. The arrangements provide that insofar as such costs are not met by the grant made by the Secretary of State they will be apportioned between the constituent councils as agreed or, in default of agreement, on a population basis.
- The arrangements require the constituent councils to appoint a lead Chief Executive to be responsible for supporting the PCP. The Chief Executive of Salford has been appointed to this role.

4.0 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

- 4.1 Reduction in crime and disorder is an essential element in promoting the attraction of the sub region for investment.

(b) Reaching full potential in education and employment

- 4.2 Not applicable

(c) Individual and collective self esteem – mutual respect

- 4.3 Not applicable

(d) Neighbourhoods of Choice

- 4.4 Reduction in crime and disorder is an essential element in promoting neighbourhoods of choice

5.0 Key Policies and Considerations

(a) Equal Opportunities

- 5.1 Not applicable

(b) Risk Management

- 5.2 Not applicable

(c) Legal Considerations

- 5.3 The establishment of the Police and Crime Panel and the agreement of Panel Arrangements are statutory requirements under the Police Reform and Social Responsibility Act 2011.

6.0 Recommendations

The recommendations appear at the front of this report.

PANEL ARRANGEMENTS

ANNEX 1

This Agreement is made on 2012

between

- (1) The Borough Council of Bolton
- (2) Bury Metropolitan Borough Council
- (3) The Council of the City of Manchester
- (4) Oldham Borough Council
- (5) Rochdale Metropolitan District
- (6) Salford City Council
- (7) The Metropolitan Borough of Stockport
- (8) Tameside Metropolitan Borough Council
- (9) Trafford Metropolitan Borough Council
- (10) Wigan Borough Council

The Parties to this Agreement are referred to as "the Constituent Councils" and this Agreement constitutes "the Panel Arrangements"

WHEREAS

- (1) The Police Reform and Social Responsibility Act 2011 (PR & SRA 2011) abolishes the Greater Manchester Policy Authority and replaces it with an elected Police and Crime Commissioner.
- (2) The Constituent Councils are required by the PR & SRA 2011 to establish and maintain a police and crime panel for the Greater Manchester police area and to make panel arrangements for the police and crime panel.

THIS AGREEMENT witnesses as follows:

1. Definitions

In this Agreement -

- 1.1 "Constituent Councils" mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.
- 1.2 "financial year" means the year beginning on 1 April and ending on 31 March.
- 1.3 "GMPCP" means the Greater Manchester Police and Crime Panel.
- 1.4 "Lead Chief Executive" means the person appointed by the AGMA Executive Board under Clause 10.1 of this agreement.
- 1.5 "municipal year" means the year beginning on the date of the annual meeting of the GMPCP and ending on the day before the annual meeting the following year.

1.6 "PR & SRA 2011" means the Police Reform and Social Responsibility Act 2011.

2. Establishment of the GMPCP

2.1 The Constituent Councils shall establish and maintain the GMPCP for the Greater Manchester Police Area.

2.2 The GMPCP shall have the functions vested in a police and crime panel pursuant to the PR & SRA 2011 or any other enactment.

2.3 The GMPCP is a joint committee of the Constituent Councils

3. Membership of the GMPCP

3.1 The GMPCP shall consist of the following members -

- (a) ten appointed members
- (b) two mandatory co-opted members

3.2 The GMPCP may appoint local authority co-opted members in accordance with provisions of Clause 7.

4. Appointed Members

4.1 Each Constituent Council shall appoint one of its councillors as an appointed member of the GMPCP.

4.2 For the purpose of this Clause, a councillor includes an elected mayor where the Constituent Council has a mayor and cabinet executive.

4.3 Where a Constituent Council has an elected mayor, that Council shall nominate the elected mayor and, if s/he accepts nomination, shall appoint the elected mayor to be its appointed member of the GMPCP.

4.4 Where a Constituent Council has a leader and cabinet executive, that Council should nominate the leader and, if s/he accepts nomination, should appoint its leader to be its appointed member of the GMPCP.

4.5 Where the person nominated under Clause 4.3 or 4.4 declines nomination, the Constituent Council shall nominate and appoint another of its councillors to be a member of the GMPCP.

5. Supplemental Provision - Appointed Members

5.1 A person ceases to be an appointed member of the GMPCP if they cease to be a member of the Constituent Council that appointed them.

5.2 A person may resign as an appointed member of the GMPCP by written notice

served on the proper officer of the Constituent Council that appointed them and the resignation shall take effect on the date specified in the notice.

- 5.3 A Constituent Council may at any time terminate the appointment of a member appointed by it to the GMPCP and appoint another of its councillors in that person's place.
- 5.4 Where a member's appointment ceases by virtue of Clause 5.1 or 5.2, the relevant Constituent Council must, as soon as practicable, give written notice of that fact to the Lead Chief Executive and appoint another of its councillors in that person's place.
- 5.5 Where a Constituent Council exercises its power under Clause 5.3, it must give written notice of the new appointment and the termination of the previous appointment to the Lead Chief Executive and the new appointment shall take effect and the previous appointment terminate at the end of [two] weeks from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

6. Mandatory Co-opted Members

- 6.1 The GMPCP shall co-opt two persons to be the mandatory co-opted members of the GMPCP.
- 6.2 A mandatory co-opted member may not be -
- (a) a member of a Constituent Council
 - (b) the police and crime commissioner
 - (c) a member of the staff of the police and crime commissioner
 - (d) a member of the civilian staff of the police force for the police area
 - (e) a member of Parliament or a member of the European Parliament
- 6.3 In appointing the mandatory co-opted members, the GMPCP shall secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the GMPCP to discharge its functions effectively.

7. Local Authority Co-opted Members

- 7.1 Subject to Clauses 7.3 to 7.6, where the political make-up of the appointed members does not represent the political make-up of the Constituent Councils (when taken together), the GMPCP shall consider the co-option of a sufficient number of councillors from the Constituent Councils in accordance with the provisions of this Clause so as to secure that (as far as is reasonably practicable) the political make-up of the local authority members of the GMPCP does represent the political make-up of the Constituent Councils.
- 7.2 Members co-opted under this Clause are to be known as "local authority co-opted members".

- 7.3 Clause 7.1 will apply, in particular, in circumstances where a political party with significant representation on the Constituent Councils (when taken together) would otherwise have no representatives on the GMPCP.
- 7.4 Before appointing any local authority co-opted members, the GMPCP must resolve that the total number of co-opted members (including the mandatory co-opted members) should be a specified number greater than two, but no such resolution may be passed unless -
- (a) the Secretary of State has agreed to the GMPCP having that number of co-opted members, and
- (b) the total membership of the GMPCP (including that number of co-opted members) would not exceed twenty.
- 7.5 The GMPCP shall not co-opt a local authority co-opted member unless all of the members of the GMPCP agree to such co-option.
- 7.6 In appointing local authority co-opted members the GMPCP shall have regard to the skills, knowledge and experience of the proposed co-optees.
- 7.7 In this Clause -
- (a) "local authority members" means appointed members and local authority co-opted members (taken together);
- (b) "the political make-up of the appointed members" and "the political make-up of the local authority members" means the number of members on the GMPCP representing each political party.
- 8. Co-opted Members - Supplemental Provision**
- 8.1 Subject to Clause 8.2 mandatory co-opted members should be appointed by the GMPCP for a term of [three] years, and on the expiry of that term may be re-appointed for a further term of [three] years.
- 8.2 The first appointments of two mandatory co-opted members should be for terms of [four] years and [two] years respectively.
- 8.3 Mandatory co-opted members shall not serve more than two terms.
- 8.4 Local authority co-opted members shall be appointed at the annual meeting of the GMPCP for a term of one year and may be re-appointed for further terms.
- 8.5 A local authority co-opted member will cease to be a member of the GMPCP if they cease to be a member of a Constituent Council or of the political group on behalf of which they were appointed.
- 8.6 Any co-opted member who fails to attend three consecutive meetings of the GMPCP shall cease to be a member unless the failure was due to some reason approved by the GMPCP.

8.7 A person may resign as a co-opted member of the GMPCP by written notice served on the Lead Chief Executive and the resignation shall take effect on the date specified in the notice.

8.8 Where a mandatory co-opted member ceases to be a member for any reason, the GMPCP shall appoint a replacement for a term of [three] years.

8.9 Where a local co-opted member ceases to be a member for any reason, the GMPCP shall appoint a replacement for the remainder of the municipal year.

9. Funding and Budgets

9.1 Any costs reasonably attributable to the exercise of the functions of the GMPCP which are not met by provision made by the Secretary of State or otherwise shall be met by the Constituent Councils.

9.2 The amount payable by each of the Constituent Councils shall be determined by apportioning such unmet balance between the Constituent Councils in such proportions as they agree or, in default of such agreement, in proportion to their total resident populations at the relevant date as estimated by the Registrar General.

9.3 For the purposes of Clause 9.2 the relevant date is 30th June in the financial year which commenced two years previously.

9.4 The GMPCP shall prepare and agree a budget before the end of January each year to cover its estimate of costs attributable to the exercise of its functions in the next financial year.

10. Support for GMPCP

10.1 The Constituent Councils, acting through AGMA Executive Board, shall appoint a Lead Chief Executive in relation to the GMPCP.

10.2 The Lead Chief Executive shall be the Chief Executive of one of the Constituent Councils and, unless or until AGMA Executive Board decide otherwise, shall be the Chief Executive of Salford City Council.

10.3 The duties of the Lead Chief Executive will include -

(a) the provision of administrative and other support to the GMPCP and its members

(b) promotion of the role of the GMPCP

(c) the giving of support and guidance to members and officers of the Constituent Councils in relation to the functions of the GMPCP.

11. Members' Allowances

11.1 Members of the GMPCP shall be entitled to an allowance for travel and

subsistence paid in accordance with a Scheme drawn up by [the GMPCP].

- 11.2 Mandatory co-opted members should receive a co-optees' allowance of [£920] per annum.

12. Rules of Procedure

- 12.1 The GMPCP will make rules of procedure for the operation of the GMPCP.
- 12.2 The rules of procedure will make provision about the appointment, resignation and removal of the Chair and any Vice-Chair(s) of the GMPCP.
- 12.3 The rules of procedure may make provision about -
- (a) the method of making decisions, and
 - (b) the formation of sub-committees.

13. Links with Constituent Councils

- 13.1 Any reports or recommendations made by the GMPCP to the police and crime commissioner and published pursuant to Section 28 of the PR & SRA 2011 will be sent to the Constituent Councils.
- 13.2 The Constituent Councils will make arrangements whereby such reports and recommendations can be considered whether by their full Council, Cabinet or Crime and Disorder Scrutiny Committee or otherwise.
- 13.3 The Constituent Councils will make arrangements for enabling questions on the discharge of the functions of GMPCP to be put to that Council's appointed member of GMPCP.