

SCRUTINY COMMISSION – 19 APRIL 2012

REPORT TITLE: POLICE AND CRIME COMMISSIONERS, PCC ELECTIONS AND THE POLICE AND CRIME PANEL REPORT OF CHIEF EXECUTIVE



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

To advise Members of the Scrutiny Commission about the Role of Police and Crime Commissioners and the Police and Crime Panels and what the role of Hinckley and Bosworth Borough Council is in the process.

2. RECOMMENDATION

That Scrutiny consider the report and comment/make recommendations, as appropriate.

3. THE GENERAL ARRANGEMENTS

A summary note of a workshop at the District Council Network Assembly on 7 March 2012 is attached at appendix 1 or for more information follow this link to the Police and Crime Commissioners Update Bulletin 7 on the Home Office website <http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/>

Police and Crime Commissioners

- 3.1 On 15 November 2012, the public will elect a police and crime commissioner who will be accountable for how crime is tackled in their police force areas.
- 3.2 Police and crime commissioners (PCCs) will aim to cut crime and deliver an effective and efficient police service within their force area. It is intended that they will provide stronger and more transparent accountability of the police. PCCs will be elected by the public and expected to hold chief constables and the force to account; effectively making the police answerable to the communities they serve.
- 3.3 Police and crime commissioners will ensure community needs are met as effectively as possible and will improve local relationships through building confidence and restoring trust. They will also work in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime.
- 3.4 PCCs will not be expected to run the police operations. The role of the PCC is to be the voice of the people and hold the police to account. They will be able to set the priorities for the police force within their force area, respond to the needs and demands of their communities more effectively, ensure that local and national priorities are suitably funded by setting a budget and the local precept, and hold to account the local chief constable for the delivery and performance of the force.

3.5 The PCC will have a number of powers, these include

- holding the chief constable to account for the delivery of the force
- setting and updating a police and crime plan (see paragraph 3.24)
- setting the force budget and precept
- regularly engaging with the public and communities
- appointing, and where necessary dismissing, the chief constable

Elections

3.6 The first PCC elections will take place on 15 November 2012 to elect a PCC for each police force area in England and Wales outside London. Everyone registered to vote in the police force area will be able to vote, including British, EU and Commonwealth citizens living in the UK.

3.7 These elections will be run on behalf of the Home Office by each local authority for their own local authority area. Each authority will have a Local Returning Officer (LRO) and will report to a central Police Area Returning Officer (PARO) for their police area.

3.8 The Hinckley & Bosworth Local Authority area falls within the Leicestershire & Rutland police force area together with Blaby, Charnwood, Harborough, Leicester City, Melton, North West Leicestershire, Oadby & Wigston and Rutland.

- The PARO for Leicestershire and Rutland will be Christine Fisher of NWLDC
- The LRO for Hinckley & Bosworth will be Steve Atkinson
- The election will be funded by the Home Office

3.9 Final regulations for these elections have yet to be issued so much of the final detail is as yet known. However, it is expected that standard election processes will apply.

3.10 The voting system to be used will be the 'supplementary voting system'. Under this system, the ballot paper will contain two voting columns. The voter is required to mark the ballot paper (X) with their first choice in the first column against the candidate they are voting for. If they wish to indicate that they have a second choice, they are required to mark the second column (X) against their second choice candidate.

3.11 If there are only two candidates, the first past the post system will apply and the traditional ballot paper will be used.

3.12 The count is expected to take place locally to each individual authority within the police area and the local results fed back to the PARO for collation and to calculate the results for the police area.

3.13 The count itself is likely to be a 2 stage procedure. To summarise this:

- Stage 1
 - the first preference votes are counted
 - If one of the candidates has 50% + 1 of the total valid votes cast (across the police area), they will be declared as the winner

- if none of the candidates have 50% + 1 of the valid votes cast (across the police area), the count proceeds to stage 2
 - Stage 2
 - The two candidates with the highest number of votes from stage 1 are the only two candidates to go through to stage 2
 - The second preference votes marked on the papers for all the other candidates are examined. Any second preference vote which has been cast for either of the two candidates left in the contest are added to the number of votes they received at stage 1
 - The candidate with the highest number of votes after both stage 1 and 2 counts (across the police area) will be declared the winner
- 3.14 It should be noted that stage 2 will not be able to proceed at a local level until all stage 1 local results have been collated centrally by the PARO and a stage 1 declaration has been announced. This is because the two candidates to go forward to the stage 2 will not be known until the results for all authorities within the police area have been calculated.
- 3.15 This could mean that there are likely to be some lengthy periods during the counting process at a local level where nothing appears to be happening. It is recommended that counting agents for each candidate attend each local count wherever possible.

Police and Crime Panels (PCP)

- 3.16 The police and crime panel (PCP) will have power to scrutinise Police and Crime Commissioners' activities, including the ability to review the police and crime plan and annual report, veto decisions, request PCC papers and call PCCs and chief constables to public hearings. The panel can also seek a professional view from HMIC regarding potential dismissals. Local authorities have to choose a lead authority to hold central funding and provide scrutiny support. In Leicestershire and Rutland, the lead Authority is Leicestershire County Council.
- 3.17 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 there will be funding for each member of the panel (including additional co-optees) to fund necessary expenses. Funding will begin in October 2012. This will ensure that the panel can meet and agree procedures before commissioners are elected and in place in November.
- 3.18 A key responsibility of the PCC will be to report to the public in a transparent and open way how funding is being used; hold the force to account in an annual report for their local use of resources, including any national arrangements for buying goods and services and of nationally provided services; and to hold the force to account for their contribution to and use of collaboratively provided services within their region.
- 3.19 Local authorities are free to use their own budgets to further resource the PCP as they see fit, although central funding is being provided to deliver the function described in legislation.

- 3.20 PCPs are a critical friend to the PCC, providing support and challenge, so when considering how to develop their local PCP, areas should consider examples of scrutiny good practice. The PCP is a scrutinising body but does not have limited decision making powers as well in that it can veto the precept and the chief constable appointment. These are powers that the PCP can use as a last resort.
- 3.21 PCPs will comprise one elected representative (councillors and, where relevant, elected mayors) from each local authority within the force area and two independent members or co-optees. There must be a minimum of ten elected representatives and both top-tier and district councils will need to be represented on the PCP. Independent members could be experts in their field, or representatives of community organisations or appointed on the basis of other relevant knowledge and skills.
- 3.22 PCPs and member councils can decide what membership works best for their force area, taking into account the legislative framework and the balanced appointment objective to, as far as is practicable, consider 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.
- 3.23 In Leicestershire and Rutland the arrangements for representation and structure of the PCP are currently being discussed and at the time of writing this report have not been finalised.

The PCC and the Community Safety Partnership.

- 3.24 One of the main responsibilities of the PCC will be to work with partners and fund community safety activity to tackle crime and disorder. The PCC will not sit on the Community Safety Partnership (CSP), but there is a mutual duty on PCC's and CSP's to cooperate to reduce crime and disorder.
- 3.25 The PCC's police and crime plan must have regard to the priorities of the CSP and vice versa, which should encourage joint working. However, whilst the CSP's priorities are based on evidence, PCC's priorities could be based on their election commitments and their own philosophy regarding policing.
- 3.26 The CSP doesn't report to the PCC, but there is a level of accountability with the PCC able to request a report from the CSP if it's not meeting its priorities and call on chairs of CSP to discuss strategic priorities, merging issues etc.
- 3.27 The CSP will still require to have its own scrutiny structure in place.
- 3.28 The funding currently received by the CSP, which underpins much of the work undertaken, will go directly to the PCC who will decide what services to commission. CSP's need to place themselves in a strong position to bid for funding by actively demonstrating the impact their activity has on local crime and ASB. Work is being undertaken at a local and county level to provide this evidence and influence.

The Police and Crime Plan

- 3.29 The Police and Crime Commissioner will set out in a document the priorities for local policing for the whole force area, their term of office and how they are going to be addressed. Essentially it must set out the PCC's objectives for policing and reducing crime and disorder in the area, how policing resources will be allocated and agreements for funding and reporting on the work.
- 3.30 In developing the plan the PCC must consult the chief constable, who acts as their principle adviser on policing matters. They must also obtain views on the plan from local people and the victims of crime in that area. The Plan must include and address the views on local policing of the electorate; it will be a public document and a key mechanism for the PCC to hold the chief constable to account.
- 3.31 The Police and Crime Commissioners Timeline is attached at appendix 2.

4. FINANCIAL IMPLICATIONS AB

- 4.1 Police funding for the Community Safety Partnerships budget will have to be agreed by the PCC. Currently these funds are received directly from the Leicestershire Police. As previously stated the CSP need to place itself in a strong position to bid for funding by actively demonstrating the impact their activity has on local crime and ASB.
- 4.2 The costs of the Police and Crime Commissioner's election will be funded by the Home Office.
- 4.3 PCP funding will be funded via the Home Office.

5. LEGAL IMPLICATIONS LH

Contained in the body of the report.

6. CORPORATE PLAN IMPLICATIONS

Strong and Distinctive Communities and Safer Communities

7. CONSULTATION

None the report is for noting only

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to engage in the process	Engagement and understanding	Steve Atkinson

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The EIA will be undertaken by the lead Authority

10. **CORPORATE IMPLICATIONS**

- None

Background papers: Guidance papers

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