



REPORT of DIRECTOR OF SERVICE DELIVERY

**to
OVERVIEW AND SCRUTINY COMMITTEE (MEETING AS THE CRIME AND
DISORDER COMMITTEE)
29 NOVEMBER 2018**

CHANGES TO THE CONSTITUTION OF THE POLICE, FIRE AND CRIME PANEL FOR ESSEX

1. PURPOSE OF THE REPORT

1.1 The Police and Crime Panel was established in 2012 to hold the Police and Crime Commissioner to account. In October 2017, the Police and Crime Commissioner assumed responsibility for the fire service and the name of the role changed to the Police, Fire and Crime Commissioner. At the same time, the Police and Crime Panel became the Police, Fire and Crime Panel. As a result, the functions of the panel have also changed. It is necessary to update the 'panel arrangements'. These need to be agreed by all 15 local authorities in the Essex police area. The panel arrangements have also been updated to reflect the experience of operating the panel over the first six years of its existence. This report asks the committee to agree the revised panel arrangements on behalf of Maldon District Council. A similar report is being considered by the other 14 authorities.

2. RECOMMENDATIONS

- (i) that the Arrangements for the Police and Crime Panel (**APPENDIX 1**) be agreed, with effect from 1 February 2019;
- (ii) that Members note the rules of procedure at **APPENDIX 1** will be adopted by the Panel and do not form part of the Panel Arrangements.

3. SUMMARY OF KEY ISSUES

- 3.1 The fifteen Essex councils each appoint one member to the Police, Fire and Crime Panel. They are also required by law to approve the statutory panel arrangements which govern operation of the Panel. The Panel is required by law to adopt its own rules of procedure.
- 3.2 The current panel arrangements need to be revised as the Panel's functions changed when the Commissioner became the Police, Fire and Crime Commissioner.
- 3.3 The Panel have now also acquired six years' experience of operation and several changes to the rules of procedure are also proposed. For example, the current

constitution does not allow the panel to have standing committees whereas the Panel wishes to work in this way for some issues such as dealing with formal complaint.

- 3.4 One significant change proposed in the draft Panel Arrangements is that, early in 2018, the Panel decided that it wished to introduce the facility to pay allowances to Members of the Panel. This is permitted by law but only if expressly allowed by the Panel Arrangements. The current arrangements do not allow allowances to be paid. The draft arrangements introduce a new rule which permits the Panel to adopt a scheme of allowances. This would allow payment of allowances to local authority panel members and to the co-opted panel members. The cost of those allowances, if introduced, would be met by a Home Office grant so there would be no cost to Maldon District Council or the other authorities. It should be emphasised that the revised draft panel arrangements do not themselves introduce allowances, they would just allow the panel to do so if it thought it appropriate. Members of the Panel would not be required to receive an allowance unless they wanted to.
- 3.5 The draft at appendix three is divided into different sections:
1. Introduction – explains the background to the panel and its functions
 2. Functions – describes the panel’s statutory powers
 3. Functions of the panel – this describes the Panel’s statutory powers.
 4. Constitution Part I – the statutory Panel Arrangements
 5. Constitution part II – rules of procedure made by the Panel
 6. Appendix – rules of procedure made by the Panel
- 3.6 The functions and part 1 of the Constitution (numbers 1 - 4 above) are to be approved by the local authorities. The rules of procedure are to be approved by the Panel.
- 3.7 The Panel and all fifteen local authorities have been consulted on the draft. Essex County Council received no opposition to the proposals but some suggestions for improving the wording were incorporated in their response.
- 3.8 The Panel will consider part II of the constitution and the appendix which are the rules of procedure adopted by the Panel.

4. CONCLUSION AND NEXT STEPS

- 4.1 All 15 local authorities have been asked to approve this no later than 1 February 2019 when the arrangements will come into force if they have been approved by all authorities.

5. IMPACT ON CORPORATE GOALS

- 5.1 The work of the Office of the Police, Fire and Crime Commissioner (OPFCC) and the subsequent panel arrangements contribute to the Council’s Corporate Goal of “Helping communities to be safe, active and healthy” and are highlighted as activities in the business plan for the directorate for 2018 / 19.

6. IMPLICATIONS

- (i) **Impact on Customers** – Helping communities to be safe, active and healthy.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – Members should note that this decision has no financial implications. The cost of operating the panel is met by a Home Office grant.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers:

APPENDIX 1 – Consultation with other local authorities and with the Police, Fire and Crime Panel.

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