

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	COUNCIL
DATE:	12 SEPTEMBER 2012
SUBJECT:	GREATER MANCHESTER POLICE AND CRIME PANEL
REPORT FROM:	CHIEF EXECUTIVE
CONTACT OFFICER:	JAYNE HAMMOND, MONITORING OFFICER
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The Council is asked to adopt proposals drawn up by AGMA Executive for the establishment of a Police and Crime Panel for Greater Manchester.
OPTIONS & RECOMMENDED OPTION	<p>The Council is asked to :</p> <ol style="list-style-type: none"> 1) adopt the proposals for the establishment of a Greater Manchester Police and Crime Panel (the Panel) and to establish this as a joint committee of the ten local authorities in Greater Manchester (as set out in Annex 1 to the report and agreed by the AGMA Executive on 29 June 2012) 2) to confirm the appointment of the Leader, Councillor M Connolly as the Council's representative on the Panel and the appointment of the Deputy Leader, Councillor J Smith as the Council's representative on the Police and Crime Sub-Panel 3) approve the Council entering into an agreement with the other Greater Manchester authorities to govern how the Panel will operate. 4) Authorize the Monitoring Officer to make the necessary changes to the Council's Constitution to reflect the establishment of the Panel at the appropriate time. <p>There are no alternative options as the establishment of a Greater Manchester Police and Crime Panel is a statutory requirement.</p>

IMPLICATIONS:		
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes	
Statement by the S151 Officer: Financial Implications and Risk Considerations:	The proposals do not result in any additional cost to the Council.	
Statement by Executive Director of Resources:	There are no other resource implications. Dates relating to the issuing of a precept may have an impact on the Council's budget setting process and contingency plans will be prepared in the event of the precept not being available by the date that Council meets to set the budget and Council Tax.	SK
		MO
Equality/Diversity implications:	None arising from this report	
Considered by Monitoring Officer:	Yes The proposals before members are as a result of Government legislation and there is a statutory requirement to have a Police and Crime Panel.	.JH
Wards Affected:	All Wards	
Scrutiny Interest:	Overview and Scrutiny	

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
			29 June 2012
Scrutiny Committee	Committee	Council	
		12 September 2012	

1. 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 the individual district authorities for formal adoption.

2. BACKGROUND

2.1 The Police Reform and Social Responsibility Act 2011 places a responsibility on local authorities to establish and operate Police and Crime Panels linked to the establishment of the position of Police and Crime Commissioner, for which elections will be held on 15 November 2012.

2.2 At their meeting in April, the AGMA Executive agreed that the Police and Crime Panel for Greater Manchester should have a common membership with the Executive, with the addition of the mandatory two co-opted independent members. The need for any further co-opted members to satisfy statutory requirements on political balance would be reviewed following the May local government elections.

2.3 Regulations issued by the Home Office required all Panel arrangements to be notified to the Home Office no later than 16 July 2012. The Home Office wrote to all Leaders and Chief Executives on 15 June setting out the notification arrangements.

2.4 At the AGMA Executive Meeting on 29 June 2012, Members agreed the proposed Panel Arrangements and asked the Chief Executive of Salford City Council to notify the Home Office of the membership and arrangements for the Greater Manchester Police and Crime Panel. As the membership of the Panel comprises Leaders/Elected Mayors of constituent authorities, the AGMA Executive determined that no allowances should be paid in respect of this additional responsibility. Only the mandatory co-opted members will receive an allowance of £920 per annum.

3. POLICE AND CRIME PANEL – ARRANGEMENTS

3.1 The Act requires that local authorities make the necessary 'Arrangements' for convening, organising and supporting the Police and Crime Panel. This is set out in Annex 1.

3.2 The term of office of mandatory co-opted members would normally be 3 years with such members being eligible for a maximum of two terms. However, for the purpose of continuity it was agreed that the initial appointments of the two members should be for terms of 4 years and 2 years respectively, with each co-optee being then eligible to serve one further term of 3 years.

3.3 The Home Office provides £920 per Panel member per year to cover expenses associated with participation in the Panel. Paragraph 11 of the draft arrangements, proposes that mandatory co-opted members should receive a co-optees allowance of the full £920 per annum. All members of the Panel are eligible to travel and subsistence allowance paid in accordance with a Scheme drawn up the Panel itself (this would be done under the Rules of Procedure which will be brought to an early meeting of the shadow Panel). In practice this will result in low claims, as Leaders would be travelling for GMCA / Executive meetings in any event.

3.4 As the membership of the Panel comprises Leaders/Elected Mayors of constituent authorities, the AGMA Executive determined that no allowances should be paid in respect of this additional responsibility. Only the mandatory co-opted members will receive an allowance of £920 per annum.

3.5 The district councils and the Panel itself have a duty in exercising their functions to produce a balanced panel. This includes ensuring that the political make-up of the Panel

represents the political make up of the districts (when taken together). The draft Panel Arrangements propose that each district appoint their Leader/Elected Mayor to the Panel and that any deficiency in political balance is rectified by the Panel considering the appointment of local authority co-opted members under Clause 7 of the Arrangements. In particular, such co-option should be considered, where a political party with significant representation on the district councils (when taken together) would otherwise not have representation on the Panel. It should be noted that any co-option of local authority members must be agreed unanimously by the Panel and subsequently by the Secretary of State.

3.6 The words "political make-up" are not defined in the legislation and are far vaguer than the more precise formula used in relation to appointments to the GMPA. It should be noted that at the point of establishment all parties with significant representation on Greater Manchester district councils are represented on the Panel.

4. SETTING THE PRECEPT

4.1 Draft Regulations published by the Home Office in recent weeks outline the statutory timeframe for consideration of the precept by both the Commissioner and the Panel. In 2012 / 13 this is extremely tight. Key milestones are:

Stage 1

- * Commissioner to notify Panel of precept proposal - No later than 21 Dec
- * Panel to review stage 1 proposal - No later than 15 Jan

Stage 2

- * *If* Panel veto is exercised, Commissioner's revised precept proposal to be notified to Panel by 31 January
- * 2nd stage review by Panel - 14 February
- * Commissioner's response and final precept - Not later than 1 March

4.2 Importantly, the Panel's right to veto the precept proposals applies only to the Commissioner's initial proposal (stage one), and only if the dates specified are met. The Commissioner is required only to 'pay consideration' to any further comments by the Panel at stage 2.

4.3 In this first year these timeframes are tight for both the Commissioner and the Panel. In reality it means much of the work to determine budget requirements for 2013/14 will be done by officers and GMPA prior to the November elections, and this will need to be the first focus for the incoming Commissioner. If a veto was exercised, the stage two timescales also create implications for individual council budget setting decisions. It's understood the Association of Police Authorities nationally has asked the Home Office to consider exempting both Commissioners and Panels from these requirements in the first year. So far we understand these timescales are likely to stand. The Executive agreed to raise these challenging timescales with the Home Office.

5. CONCLUSION

5.1 Local authorities within a police force area are required to make Panel Arrangements to enable the bringing together of a Police and Crime Panel for that area. In constitutional terms the Panel will be a Joint Committee of the 10 Greater Manchester Authorities. As such it will need to be formally referenced within the Constitution on establishment. These arrangements require the agreement of all 10 districts separately.

List of Background Papers:-

AGMA report on the Establishment of a Police and Crime Panel – 29 June 2012

Contact Details:-

Jayne Hammond, Monitoring Officer – 0161 253 5237

ANNEX 1

PANEL ARRANGEMENTS

This Agreement is made on2012
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 Police 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.