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**POLICE AND CRIME COMMISSIONERS TRANSITION UPDATE**

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**Responsible Director – Murray Rose, Director of Service for People**

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**Purpose of the Report**

1. This paper outlines the key proposals and issues in relation to the development of Police and Crime Commissioners in Durham and Darlington.

**Summary**

2. Police and Crime Commissioners are due to be introduced from November 2012, as a result of the Police Reform and Social Responsibility Act 2011. As part of the new arrangements, Police and Crime Panels will also be established, which will involve local elected Members.
3. Durham Police Authority has established a set of transition arrangements, including a Transition Board and a number of project workstreams.
4. This paper outlines the key developments arising from the Police Reform and Social Responsibility Act 2011 and the implications for Darlington Borough Council.

**Recommendation**

5. It is recommended that Scrutiny discuss and provide feedback on the report.

**Murray Rose**  
**Director of People Services**

**Background Papers**

Chris Sivers: Extension 2013

S17 Crime and Disorder	The legislation will clearly have an impact on crime and disorder. Consideration of the implications for Darlington will support local delivery of community safety plans.
Health and Well Being	There are unlikely to be any significant impacts on health and well being.
Carbon Impact	There are no impacts arising from this report.
Diversity	There are no impacts arising from this report.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The proposed changes are likely to impact on local delivery of community safety initiatives, and therefore contribute to the planning of the Community Safety Strategy and delivery of outcomes under the Sustainable Community Strategy.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	There will be an impact on partnership arrangements to deliver this strategy. Many of these impacts are yet to be determined.
Efficiency	There are no impacts arising from this report.

## MAIN REPORT

### Background

6. The Police Reform and Social Responsibility Act 2011 brings in new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and policing accountability. Principal among these changes will be the election of police and crime commissioners, the first of which will take place on 15 November 2012 (formerly May 2012).
7. Police and Crime Commissioners (PCC) will be held accountable by a Police and Crime Panel (PCP), which will be comprised of locally elected councillors along with some lay members.
8. Durham Police Authority (PA) have established a Transition Board to oversee the development of these new arrangements. The membership of this Board includes two places for Darlington Borough Council, to ensure coherence for democratic services and coherence on the community safety agenda. In Darlington, our places are filled by the Assistant Director – Development & Commissioning, Services for People and the Assistant Director for Resources.
9. This Transition Board has met three times, and has now established a project structure, with the following projects (those with an asterisk are where Darlington Borough Council has membership):-

- (a) Governance\*

- (b) Financial, Budget and Auditing
- (c) Transfer of Staff and Assets
- (d) Communications and Community Engagement\*
- (e) Elections and Candidate Management\*
- (f) PCC Induction, Capacity and Capability Building\*
- (g) Partnerships and Joint Commissioning\*
- (h) Police and Crime Panel\*.

### **Police and Crime Commissioner**

10. The duty of the PCC is to ensure that the police force is providing an effective and efficient service on behalf of the public. Elections for PCCs will be held in all force areas in England and Wales, except London, where the Mayor of London will take on the powers of the PCC.
11. The key functions of the PCC as outlined by the Home Office are:-
  - (a) setting the strategic direction and accountability for policing
  - (b) working with partners to prevent and tackle crime
  - (c) invoking the voice of the public, the vulnerable and the victims
  - (d) contributing to resourcing of policing response to regional and national threats
  - (e) ensuring value for money.
12. The only requirements for candidates to stand for election are that they must be:-
  - (a) British, Commonwealth or EU citizens
  - (b) 18 or over
  - (c) resident in the police force area.
13. Those unable to stand for election are:-
  - (a) those convicted of an imprisonable offence
  - (b) public servants, including: civil servants, judges, police officers, members of the regular armed forces, employees of councils in the force area, employees of a police related agency, employees of other government agencies, politically restricted post-holders, members of police staff or members of a police authority.
14. PCCs will be expected to make a number of staffing appointments, including a Chief Executive and a Chief Financial Officer. PCCs will have the power to appoint and dismiss the Chief Constable, though the Chief Constable will continue to appoint all police officers.
15. Responsibility for the Community Safety Funding will transfer from local authorities to the PCCs from 1 April 2013. PCCs are also likely to hold joint responsibility for some drug treatment monies, alongside public health. There are likely to be other funds for commissioning services and preventative activity that will emerge in coming months.
16. The PCCs will work in partnership with the Community Safety Partnerships (CSP) in local authority areas, and will have powers to bring together such partnerships across the force area. They will not have power to disband such partnerships or to force mergers. They will have the power to request reports and information from the CSPs in the force area.

17. The Review Body on Senior Salaries has considered the issue of PCC salaries and published their report. This report recommends a salary for the Durham and Darlington PCC of £70,000. At the time of writing, Government has not yet responded to this report.

### **Police and Crime Panel**

18. As described by the Centre for Public Scrutiny (CfPS), the functions of the PCP will include:
- (a) contributing to the development of the PCC's Police and Crime Plan
  - (b) Holding to account the PCC, and receiving evidence from the Chief Constable, at 'set piece' events at certain points in the year
  - (c) reviewing the PCC's proposed precept
  - (d) receiving evidence in person from officers of the PCC's secretariat
  - (e) reviewing the PCC's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner and holding public confirmation hearings for these posts
  - (f) receiving, and considering, information made available in finance reports
  - (g) making reports and recommendations on matters relating to the PCC, on which the PCC is obliged to provide a response
  - (h) carrying out time-limited investigations into topics of particular interest or public concern
  - (i) making comments on the PCC's annual report at a public meeting to be held as soon as possible after the publication of that report
  - (j) all these powers may be delegated to a sub-committee of the PCP, at the PCP's discretion.
19. Clearly, there are many issues to be resolved prior to establishing the PCP for the Durham Constabulary area. Negotiations are taking place between Darlington Borough Council and Durham County Council on a range of these issues. Government has chosen not to issue detailed guidance on these questions, preferring to leave such questions to the discretion of the local authorities in the force area. The Home Office have requested assurance reports by May 2012, and are prepared to intervene at that point if local arrangements have not yet been agreed.

### **PCP Composition**

20. The Act (at this point in time – it continues its way between the Commons and the Lords) suggests the following:-
- (a) Where a Force area consists of ten or fewer authorities, the number of members of the PCP will be ten, not including the co-opted members;
  - (b) Where a Force area consists of more than ten authorities, there will be as many members as there are local authorities in the Force area, plus two co-opted members;
  - (c) Additional councillors may be co-opted onto the PCP, as long as two lay co-optees are also included and the size of the PCP does not end up above 20;
  - (d) Composition should be carried out in accordance to the 'fair representation objective' – essentially, each authority in the Force area must be represented by at least one member if the total number of authorities in the area is less than ten, and one member if the number of authorities is ten or more;
  - (e) Where agreement cannot be reached the Secretary of State has the power to make nominations herself;

- (f) By and large, beyond these principles, the choice of who sits on the PCP will be down to the authorities involved.

21. The CfPS guidance suggests consideration of the following issues:-

- (a) Who will sit on the PCP, and how can we assure equity of representation?
- (b) Will the PCP be politically proportionate across the Force area?
- (c) How will seats be assigned to individual authorities?
- (d) Will executive, or non-executive, members sit on the PCP?
- (e) Who will the lay members / co-optees be?
- (f) How will changes in political control in authorities in the Force area be reflected in membership?
- (g) Will a Special Responsibility Allowance be assigned?

22. PCPs should be politically proportionate. The guidance suggests that the preferred option is for the representation to be proportionate to the total number of Councillors in the Force area; however this is for local consideration and agreement. This is also a subject of the negotiations between the Durham and Darlington Councils.

### **Lay Membership of the PCP**

23. There must be two co-opted members of the PCP. There are no restrictions on who these might be, other than that they should have appropriate skills and experience to support the PCP to deliver its function. The guidance suggests that lay membership could be used to:-

- (a) bring in expertise from one of the other community safety 'responsible authorities', such as the NHS or Probation Service
- (b) provide particular skills, that without which those lay members might be lacking
- (c) bring in the views of the public. Careful thought would need to go into how the lay members were selected, if this approach were to be followed
- (d) provide an explicitly 'non-executive' perspective, on a PCP otherwise made up of executive members.

24. Discussions are taking place with Durham County Council on appropriate choices for lay membership. In addition, there is potential for lay membership to be considered across the Tees Valley and Durham/Darlington arrangements, though this forms a part of the negotiations currently taking place.

### **Resourcing and Election Management**

25. The Home Office is currently proposing to make £30,000 available to each lead authority to resource the PCP. Currently, Durham Council provide the resourcing function for the Durham Police Authority. This issue is an item in the above negotiations.

26. In addition, each Force area will be required to have an appointed Police Area Returning Officer (PARO) who will be responsible for the overall conduct of the election and for liaison with and oversight of the work of Local Returning Officers in relation to this. The Local Returning Officer will be the person appointed as Returning Officer for each local authority. A job description is available for the PARO. The PARO for the Durham Police Authority Area will be provided through Durham County Council.