

**19<sup>th</sup> March 2019**

**Policy, Projects and Resources**

**Changes to the Constitution of the Police, Fire and Crime Panel for Essex**

**Report of:** *Steve Summers – Chief Operating Officer*

**Wards Affected:** *All*

**This report is:** *Public*

**1. Executive Summary**

- 1.1 The Police and Crime Panel was established in 2012 to hold the Police and Crime Commissioner to account.
- 1.2 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.
- 1.3 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, which are ECC, the two unitary councils and the 12 borough, city or district councils. The panel arrangements have also been updated to reflect the experience of operating the panel over the first 6 years of its existence.
- 1.4 This report asks the committee to agree the revised panel arrangements on behalf of Brentwood Borough Council. A similar report is being considered by the other 14 authorities.

**2. Recommendation(s)**

- 2.1 Agree the Panel Arrangements at Appendix A with effect from 1 February 2019.**
- 2.2 Note that the rules of procedure at Appendix A will be adopted by the Panel and do not form part of the Panel Arrangements.**

### **3. Issues, Options and Analysis of Options**

- 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 a number of 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 complaints.
- 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 also 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 ECC 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 one 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 itself.
- 3.7 The Panel and all fifteen local authorities have been consulted on the draft. No opposition to the proposals was received but some suggestions for improving the wording have been incorporated into the draft attached to this report.
- 3.8 The Panel will consider part II of the constitution and the appendix which are the rules of procedure adopted by the Panel.
- 3.9 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.

#### **4 Reasons for Recommendation**

- 4.1 To enable the Police, Fire and Crime Commissioner to function.

#### **5 Consultation**

- 5.1 None at this stage.

#### **6 References to Corporate Plan**

- 6.1 None.

#### **7 Implications**

##### **Financial Implications**

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- 7.1 This decision has no financial implications. The cost of operating the panel is met by a Home Office grant.

##### **Legal Implications**

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- 7.2 The panel arrangements are required to be approved by each local authority. The panel approves its own rules of procedure. The two sets of rules need to fit together so that the Panel operates under a single coherent set of rules.

7.3 The Panel is a statutory joint committee of the 15 local authorities with specific statutory functions.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.4 None

**8. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

8.1 None

## **9 Appendices to this report**

Appendix A - PFCP Constitution

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