

**Decision by the Community & Partnership  
Services Portfolio Holder**



**Epping Forest  
District Council**

**Report reference: CPS-001-2018/19**

**Date of report: 10 January 2019**

**Portfolio:** Community and Partnership Services

**Author:** S. Tautz (Ext 4180)

**Democratic Services:** J. Leither (Ext 4756)

**Subject:** Police, Fire and Crime Panel for Essex - Changes to Constitution

**Decision:**

**That the panel arrangements set out at Appendix 1 to this decision, which are intended to take effect from 1 February 2019, be agreed.**

<b>ADVISORY NOTICE:</b>	
<i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ <del>do not approve</del> (delete as appropriate) the above decision:	
Comments/further action required:	
Signed:	Date: 11 <sup>th</sup> January 2019
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>  None	<i>Dispensation granted by Standards Committee:</i> Yes/No or N/A
<b>Office use only:</b> Call-in period begins: 14 <sup>th</sup> January 2019	Expiry of Call-in period: 18 <sup>th</sup> January 2019

**After completion, one copy of this pro forma should be returned to  
Democratic Services IMMEDIATELY**

**Reason for decision:**

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.

<p><b>Initialed as original copy by Portfolio Holder:</b></p>
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As a result, the functions of the Panel have also changed and it is necessary to update the 'panel arrangements'. These need to be agreed by all fifteen local authorities in the Essex police area, which are Essex County Council, the two unitary councils and the twelve borough, city or district councils. 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 Portfolio Holder to agree the revised panel arrangements on behalf of the Council. A similar report is being considered by the other fifteen authorities.

### **Options considered and rejected:**

No other options are available. The Police, Fire and Crime Panel must be able to operate in accordance with current responsibilities.

### **Background Report:**

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. The current panel arrangements need to be revised as the Panel's functions changed when the Commissioner became the Police, Fire and Crime Commissioner.
2. 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 complaint.
3. 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 the Council or the other authorities. 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.
4. 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 have been incorporated into the draft attached to this report at Appendix 1. The Panel will consider part II of the constitution and the appendix which are the rules of procedure adopted by the Panel. The draft at Appendix 1 is divided into different sections:
  - Introduction – explains the background to the panel and its functions;
  - Functions – describes the panel's statutory powers;
  - Functions of the panel – this describes the Panel's statutory powers;
  - Constitution Part I – the statutory Panel Arrangements;
  - Constitution part II – rules of procedure made by the Panel; and
  - Appendix – rules of procedure made by the Panel
5. The functions and Part 1 of the Constitution are to be approved by the local authorities. The rules of procedure are to be approved by the Panel.

6. All fifteen local authorities have been asked to approve the revised panel arrangements by 1 February 2019 when the arrangements will come into force if they have been approved by all authorities.

**Resource Implications:**

This decision has no financial implications for the Council. The cost of the operation of the Police, Fire and Crime Panel is met by a Home Office grant.

**Legal and Governance:**

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

**Safer, Cleaner and Greener:**

There are no Safer, Cleaner and Greener implications arising from the recommendations of this decision.

**Consultation Undertaken:**

The Panel and all fifteen local authorities have been consulted on the draft revised panel arrangements.

**Background Papers:** None

**Impact Assessments:**

**Risk Management:**

There are no risk management implications arising from the recommendations of this decision.

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.

**Key Decision Reference (Y/N):** N/A