



HERTFORDSHIRE POLICE AND CRIME PANEL

MEMBERSHIP OF THE PANEL AND THE POLICE AND CRIME COMMISSIONER'S COMMUNITY SAFETY FORUM AND COMMUNITY SAFETY BOARD

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RECOMMENDATIONS

That the Panel:-

- 1 Notes the possible issues with being a member of both the Panel and the Police and Crime Commissioner's Community Safety Forum

Purpose of Report

To provide the Panel with an overview of the possible implications of being a member of both the Police and Crime Panel and the Police and Crime Commissioner's Community Safety Forum and Community Safety Board, to avoid possible or perceived conflict of interest.

Background

The constituent authorities are entitled to nominate any of their members as the Police and Crime Panel. There is no restriction on member status, although councils with an elected Mayor, such as Watford Borough Council, must offer the role to the elected Mayor first. Some local authorities have nominated their portfolio holder for community safety as the

representative on the Panel. The Police and Crime Commissioner has set up a community safety forum for community safety portfolio holders of all the constituent authorities and a community safety board for local authorities and other agencies. Some concern has been expressed of a potential conflict of interest where the members of the Commissioner's community safety forum or board are also scrutinising the function of the PCC as part of the Panel.

Legal Position

The constituent authorities are free to nominate whichever member they choose (subject to the elected Mayor having first refusal as above) to membership of the PCP and the Leader (or Mayor) may appoint whoever they wish to hold the portfolio for community safety (including in both cases themselves). The PCC's forum is not a decision making body. The decisions remain those of the PCC and not the forum. The PCC is therefore accountable for those decisions. Members of the forum are entitled to hold the PCC to account for those decisions at meetings of the PCP. The community safety board is described as decision making and is intended to be a Hertfordshire wide partnership body similar to the district community safety partnership for issues that are better considered on a county wide basis.

The Practical Position

The role of the PCP is to hold the PCC to account for his decisions and actions in fulfilling his role. To the extent that the PCC delegates decision making to the county community safety board, it will clearly appear inappropriate for members of that board to be scrutinising those decisions that they were a part of later when sitting in the PCP. Accordingly, if such a matter is on the agenda or if the member becomes aware of it they ought not to take part. However, there is no reason to think that membership of the board in itself means the member of the PCP is unable to fulfil their role. It may be that some members are unable to take part in individual pieces of work. In these cases it may be appropriate to request the substitute member attends the PCP or for the member to leave the room for the item of business. If in practice the roles overlap to a great extent it may be appropriate for the constituent authority to consider a different appointment to the PCP. The Local Government Association and Centre for Public Scrutiny published unofficial guidance on setting up PCPs in 2011, which listed advantages and disadvantages of having executive and non-executive members on PCPs but acknowledged there was no 'right' approach. The potential difficulty in being seen to carry out truly independent scrutiny if executive members have a share of the policing plan was identified. It remains appropriate for members to consider this.

Financial Legal and Risk implications

The Panel is a scrutiny body and the only scrutiny body that monitors the work of the PCC between elections so it is important that the Panel ensures it is seen to carry out its role independently of the PCC. Membership of the community safety forum or board does not necessarily mean that this will not be achieved but members do need to be alert to the risk of appearing to be too closely associated with a decision or action that the Panel subsequently needs to consider.