



Notice is hereby given that the **ANNUAL MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **BALLROOM** of the **THORNGATE HALLS, BURY ROAD, GOSPORT** on **WEDNESDAY NEXT** the **SIXTEENTH DAY OF MAY 2012** at **11AM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. Introduction of newly elected Councillors.
3. To elect from among the Councillors of the Borough a Mayor of the Borough of Gosport to serve for the Municipal Year 2012/2013.
4. The best thanks of the Council be accorded to the retiring Mayor and Mayoress for their services during the past Municipal Year.
5. To award Citizen of the Year and Youth Award Certificates to persons who have provided eminent services to the Borough.
6. Adjournment of Meeting

(Until 6pm on Thursday, 16 May 2012, at the Town Hall, Gosport).

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7. To confirm the Minutes of the Ordinary Meeting of the Council held on 28 March 2012(copy herewith).
 8. To consider any Mayor's Communications.
 9. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 14 MAY 2012 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 14 MAY 2012).

10. Questions (if any) Pursuant to Standing Order No 3.4

(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O’CLOCK NOON ON TUESDAY, 15 MAY 2012).

11. To elect from among the Councillors of the Borough a Deputy Mayor of the Borough of Gosport to serve for the Municipal Year 2012/2013.

12. To receive the report of the Returning Officer on the Elections held on 03 May 2012 (copy herewith)

13. Review of Council Boards and Committees and Determination of Allocation of Seats

To consider the report of the Borough Solicitor (copy herewith)

14. To appoint the Chairman of the Policy and Organisation Board pursuant to the Council’s Standing Orders.

15. Police and Crime Panel – Panel Arrangements

To consider the report of the Borough Solicitor (copy herewith)

16. To appoint the Boards, Nominated Deputies for the Regulatory and Licensing Boards, Overview and Scrutiny Committee and Standards and Governance Committee and Panels and Outside Bodies.

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

08 May 2012

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

MEMBERS ARE REQUESTED TO NOTE THAT:

(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18

(2) MOBILE PHONES SHOULD BE SWITCHED OFF FOR THE DURATION OF THE MEETING

GOSPORT BOROUGH COUNCIL

RETURNING OFFICER'S REPORT ON BOROUGH COUNCIL ELECTIONS

03 MAY 2012

1. I have to report that, whereas the number of Candidates validly nominated in the election of Councillors for each of the Alverstoke, Anglesey, Bridgemary North, Bridgemary South, Brockhurst, Christchurch, Elson, Forton, Grange, Hardway, Lee East, Lee West, Leesland, Peel Common, Privett, Rowner and Holbrook and Town Wards of the Borough exceeded the number of Councillors to be elected for the respective Wards, a poll was taken on the 03rd day of May 2012, and the votes cast for the respective Candidates at each such election were as follows:-

| WARD | NAMES OF CANDIDATES | VOTES GIVEN FOR EACH CANDIDATE |
|------------------|-----------------------------|---------------------------------------|
| ALVERSTOKE | Kirsten Leigh BALLARD | 99 |
| | James Llewellyn FOX | 220 |
| | Mark William Paul HOOK | 791 |
| | Judith SMITH | 194 |
| ANGLESEY | Belinda BAKER | 141 |
| | Robert Wesley FORDER | 854 |
| | Austin Richard HICKS | 254 |
| BRIDGEMARY NORTH | Richard Piers BATEMAN | 418 |
| | Jill Madeleine WRIGHT | 708 |
| BRIDGEMARY SOUTH | Alan Edward James DURRANT | 418 |
| | Michael Stuart GEDDES | 450 |
| BROCKHURST | Laura ELSHAW | 277 |
| | Robert Leonard HYLANDS | 554 |
| | Hugh REYNOLDS | 160 |
| CHRISTCHURCH | Catherine Elizabeth ANDREWS | 125 |
| | Richard James DICKSON | 406 |
| | Dawn Christina KELLY | 351 |
| | Charis NOAKES | 165 |
| ELSON | Jess Dylan CULLY | 157 |
| | Craig Thomas HAZEL | 463 |
| | George Leslie HEAVER | 435 |

| WARD | NAMES OF CANDIDATES | VOTES GIVEN FOR EACH CANDIDATE |
|-------------------|------------------------------------|---------------------------------------|
| FORTON | Keith Cyril FARR | 309 |
| | Dale FLETCHER | 188 |
| | Stephen Paul PINDER | 287 |
| | Andrew Julian RICE | 108 |
| GRANGE | Jane Cuthbertson Joan BATEMAN | 131 |
| | Paul Gabriel KEELEY | 94 |
| | Margaret Helen MORGAN | 222 |
| HARDWAY | Peter Charles LANGDON | 596 |
| | Paule RIPLEY | 154 |
| | Cyril Richard John SIMPSON | 126 |
| | Andrea Claire Harte SMITH | 185 |
| LEE EAST | James Michael BAILEY | 107 |
| | Howard Graham BURGESS | 866 |
| | Graham William GILES | 325 |
| LEE WEST | John William BEAVIS | 1340 |
| | Jill WHITCHER | 286 |
| LEESLAND | Maria Jane DIFFEY | 507 |
| | Michael Richard FREESTONE | 121 |
| | George MCALEESE | 293 |
| | David George William Gilbert SMITH | 96 |
| PEEL COMMON | Martyn Kevin DAVIS | 236 |
| | Stephen PHILPOTT | 689 |
| | Curtis Jake Geoffrey SINCLAIR | 157 |
| PRIVETT | Andrea Lisa BAILEY | 203 |
| | Keith Laurence GILL | 685 |
| | Terance Anthony Edward ROBBINS | 193 |
| ROWNER & HOLBROOK | Sandra CARTER | 167 |
| | James Alexander MCGOOKIN | 41 |
| | Marcus Thomas MURPHY | 310 |
| | John TRAIN | 219 |
| TOWN | Abigail Elizabeth BEST | 464 |
| | Heather Gillian CARR | 58 |
| | Sunny MARTIN | 48 |
| | Diane SEARLE | 642 |

2. The under mentioned Candidates who received the greatest number of votes were therefore elected Councillors for a four-year period.

WARD

ALVERSTOKE
ANGLESEY
BRIDGEMARY NORTH
BRIDGEMARY SOUTH
BROCKHURST
CHRISTCHURCH
ELSON
FORTON
GRANGE
HARDWAY
LEE EAST
LEE WEST
LEESLAND
PEEL COMMON
PRIVETT
ROWNER & HOLBROOK
TOWN

COUNCILLOR

Mark William Paul HOOK
Robert Wesley FORDER
Jill Madeleine WRIGHT
Michael Stuart GEDDES
Robert Leonard HYLANDS
Richard James DICKSON
Craig Thomas HAZEL
Keith Cyril FARR
Margaret Helen MORGAN
Peter Charles LANGDON
Howard Graham BURGESS
John William BEAVIS
Maria Jane DIFFEY
Stephen PHILPOTT
Keith Laurence GILL
Marcus Thomas MURPHY
Diane SEARLE

GOSPORT BOROUGH COUNCIL

| | |
|-------------------------|---|
| BOARD/COMMITTEE: | ADJOURNED ANNUAL COUNCIL |
| DATE OF MEETING: | 16 MAY 2012 |
| TITLE: | REVIEW OF COUNCIL BOARDS AND COMMITTEES AND DETERMINATION OF ALLOCATION OF SEATS |
| AUTHOR: | BOROUGH SOLICITOR |
| STATUS: | FOR DECISION |

PURPOSE

To advise the Council of the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the "Proportionality Rules" of the balance of seats on the Boards and Committees of the Council.

RECOMMENDATIONS

That the Council approve:

1. The allocation of seats on the Boards and Committee as set out in paragraph 3.1
2. That Mr Perry is appointed as an Independent Member of the current Standards and Governance Committee for one year.
3. The allocation of seats on the Standards & Governance Committee as set out in paragraph 4.4

1.0 REVIEW OF COUNCIL BOARDS

1.1 The Council previously reviewed the allocation of seats and made a determination as to the allocation between the Political Groups at the Annual Council Meeting in 2011.

2.0 PROPORTIONALITY RULES

2.1 Notices have been received from 3 Political Groups.

2.2 Section 15 of the Local Government and Housing Act 1989 requires the Council to review the allocation of seats and when making allocation of seats to Political Groups allocations are made to give effect so far as reasonably practicable to the following principles:

1. That not all the seats are allocated to the same Political Group;
2. That the majority of seats are allocated to the Political Group having a majority of seats on the Council;
3. That subject to 1 and 2 above the number of seats on the total of all Boards and Committees of the Council allocated to each Political Group bears the same proportion to the proportion on the Council;
4. That subject to all the above the number of seats on each Board and Committee allocated to each Political Group bears the same proportion to the proportion on the Council

The Council has five Boards and one Overview and Scrutiny Committee; there are 68 seats to be allocated as set out in paragraph 2.2 above.

| | Conservative | Labour | Liberal Democrats | TOTAL |
|------------|---------------------|---------------|--------------------------|--------------|
| Members | 24 | 5 | 5 | 34 |
| Proportion | 70.59% | 14.71% | 14.71% | 100% |
| Seats | 48 | 10 | 10 | 68 |

3.0 PROPOSED ALLOCATION – BOARDS AND OVERVIEW & SCRUTINY COMMITTEE

3.1 The proposed allocation of seats is set out below.

| | Conservative | Labour | Liberal Democrats | TOTAL |
|-------------------------|---------------------|---------------|--------------------------|--------------|
| Policy and Organisation | 8 | 1 | 1 | 10 |
| Economic Development | 8 | 1 | 1 | 10 |
| Community | 8 | 2 | 2 | 12 |
| Regulatory | 8 | 2 | 2 | 12 |
| Licensing | 8 | 2 | 2 | 12 |
| Overview and Scrutiny | 8 | 2 | 2 | 12 |
| TOTAL | 48 | 10 | 10 | 68 |

3.2 This proposed allocation gives effect to the principles set out in paragraph 2.2 above

4.0 STANDARDS AND GOVERNANCE COMMITTEE

- 4.1 Provisions in the Localism Act 2011 relating to Members conduct are not yet fully in force. Whilst the Standards Board for England has been abolished the requirement for authorities to have Standards Committees and the National Model Code of Conduct are abolished from a date to be appointed. In the meantime the existing Code of Conduct and arrangements for complaints continue to apply. The implementation date is likely to be 1 July 2012, though this is still subject to confirmation by the Department for Communities and Local Government. Therefore the Council needs to reappoint a Standards and Governance Committee with 2 seats for Independent Members.
- 4.2 There is currently a vacancy for an independent member but given the changes referred to above it is not proposed to recruit to this vacancy at this time. The other independent member's 4 year term of office has expired but in light of the changes set out above it is proposed that Mr Perry be appointed for another year.
- 4.3 The proportionality rules do not apply to the Standards and Governance Committee. However, the Council had previously agreed that in addition to the independent members, each Political Group should be represented. The Council has previously agreed that only one chairman of a Board (including the Leader) should sit on the Standards & Governance Committee which is consistent with the regulations governing authorities operating executive arrangements.

- 4.4 It is proposed that the seats for members should be allocated as follows.

| Conservative | Labour | Liberal Democrats |
|---------------------|---------------|--------------------------|
| 4 | 1 | 1 |

SUPPORTING INFORMATION

| | |
|---|--|
| Financial Services Comments: | Nil |
| Legal Services Comments: | As indicated in Section 2 |
| Crime and Disorder: | Not Applicable |
| Equality and Diversity: | Not Applicable |
| Service Improvement Plan implications: | Nil |
| Corporate Plan: | Nil |
| Risk Assessment: | Nil |
| Background Papers: | Council Meetings 19 May 2011 and 1 February 2012 |
| Appendices/Enclosures: | None |
| Report Author/Lead Officer: | Linda Edwards, Borough Solicitor |

AGENDA ITEM NO. 15

| | |
|-------------------------|---|
| Board/Committee: | COUNCIL |
| Date of Meeting: | 16 MAY 2012 |
| Title: | POLICE AND CRIME PANEL – PANEL ARRANGEMENTS |
| Author: | BOROUGH SOLICITOR |
| Status: | FOR DECISION |

Purpose

To advise Council of changes to the arrangements for governance of the Policing Service and proposals for Hampshire.

Recommendation

1. The Council enter into an agreement setting out the Panel Arrangements for the Police and Crime Panel for the Hampshire Police Area as outlined in Section 2 of this report.
2. The Chief Executive in consultation with the Borough Solicitor be authorised to agree and finalise the terms of the agreement referred to in Recommendation 1.
3. The Leader of the Council be appointed as the Council's Appointed Member to the Panel.
4. The Vice Chairman of Policy and Organisation Board is appointed to act as "Deputy Member" and, where the Appointed Member is temporarily unable to attend a Panel meeting or otherwise undertake Panel business, the Chief Executive be authorised to give notice of temporary change of membership for a period of up to 28 days, to enable the Deputy Member to deputise in the Appointed Member's absence.

1 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ("the Act") introduces changes to the arrangements for governance of the Policing Service. In November 2012, police authorities will be abolished and replaced by a Police and Crime Commissioner ("the Commissioner") for each policing area. The Commissioner will be responsible for securing the maintenance of an efficient and effective police force for the area, and hold the Chief Constable to account for

the exercise of his/her functions. The Commissioner will also be responsible for issuing and keeping under review a Police and Crime Plan, setting out local policing priorities and how policing is to be resourced.

- 1.2 The Act also requires the local authorities for each policing area to establish a Police and Crime Panel ('The Panel') to review and scrutinise the Commissioner's actions and decisions, with a view to supporting the work of the Commissioner. The arrangements for the Panel have been the subject of discussion and agreement at the HLOWLA leaders' meeting on 27 January 2012, and with the other 14 constituent authorities.

2 Report

- 2.1 The Panel for the Hampshire Policing Area must consist of:

- 15 members each appointed by their local authority. Authorities are free to determine whether they are represented by their Leader, executive member or non-executive member (except where an authority has an elected mayor, in which case they must be appointed)
- A minimum of 2 co-opted members appointed by the Panel. These cannot be members of local authorities within the Hampshire Policing Area
- Up to 3 additional co-opted members may be appointed by the Panel, subject to the agreement of the Secretary of State. These may be, but do not have to be, members of local authorities within the Hampshire Policing Area
- All Panel members are equal voting members
- In the unlikely event that an authority fails to appoint a member, there are provisions enabling appointment of a member of that authority by the Secretary of State
- The Panel is established as a "joint committee" and there is provision for the Secretary of State to apply (by statutory instrument) existing local government legislation to its business. This will mean that well-established and familiar provisions in the Local Government Act 1972 on the holding of meetings in public, advance publication of agendas etc are applied

- 2.2 Although appointment of co-opted members is a matter for the Panel, authorities may wish to bring to the attention of the Panel any potential candidates with relevant skills, knowledge and experience, for their consideration.

2.3 The Balanced Appointment Objective

This is the objective that the local authority members of a Panel (when taken together):

- Represent all parts of the Police Area
- Represent the political make-up of the local authorities in the Police Area (when taken together)
- Have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively

2.4 Duty to Produce a Balanced Panel

- In making appointments to the Panel, local authorities must secure that (as far as reasonably practicable) the balanced appointment objective is met. The qualification of “as far as reasonably practicable” allows some flexibility in achieving strict mathematical proportionality
- In co-opting persons who are members of local authorities, the Panel must secure that (as far as reasonably practicable) the “balanced appointment objective” is met
- The Panel must, from time to time, decide whether exercising its power to co-opt up to 3 additional members would contribute to the balanced appointment objective being met (or met more effectively)
- This means that, once each authority has appointed its representative, the Panel has the flexibility to co-opt up to 3 further local authority members (e.g. from the minority parties) to achieve overall political balance (subject to Secretary of State consent)
- Local authorities may rely on the Panel exercising its co-option power to ensure the balanced appointment objective is achieved i.e. on this basis an authority may not normally be required to appoint other than its preferred member
- Following elections in May 2012, information on political balance across the 15 local authorities will be circulated to the authorities to enable appointments to be made in line with the balanced appointment objective

2.5 Panel Arrangements

- In establishing the Panel, the local authorities have a duty

to make “Panel Arrangements”

- This will be a joint agreement in writing setting out the position on various aspects of how the Panel carries out its business. It will require approval by all 15 local authorities
- Note that although the Panel Arrangements must make provision about the co-option of, and holding of office by, the co-opted members, actual decisions as to the co-option of members, including the appointment of an initial two co-opted members, and a decision as to whether up to three additional members should be co-opted (subject to Secretary of State consent), are decisions for the Panel to make once constituted
- In co-opting members who are not members of relevant local authorities, a Panel must 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 Panel to discharge its functions effectively
- The draft Panel Arrangements proposed by the Hampshire authorities have been the subject of wide consultation and discussion. The main provisions are summarised below

2.5.1 Panel Rules of Procedure

The Act distinguishes between matters to be agreed by the 15 local authorities in the Panel Arrangements, and those matters that are to be determined by the Panel itself, once constituted. The following matters will not therefore be predetermined in the Panel Arrangements, but would be agreed at the inaugural meeting of the Panel:

- Appointment, resignation and removal of the Panel Chair
- The method of making decisions (e.g. adoption of standing orders on meeting procedures)
- Formation of Sub-committees

2.5.2 Panel Arrangements – Term of Office

The Act requires that Panel Arrangements include provision about the term of office of appointed members and co-opted members, and about the conditions for re-appointment.

It is proposed that all Members are appointed to the Panel for a four year term, and are eligible for re-appointment on the expiry of that term. This is subject to the rules on

change of membership summarised at paragraph 2.5.3 below. There would be no restriction on the number of terms of office that could be served.

Other options considered and rejected: consideration has been given to the possibility of making appointments for different periods, to avoid all appointments expiring at the same time, which could make for a loss in continuity. The possibility of placing a restriction on number of terms has also been assessed. However, it is felt that retaining flexibility over the making of re-appointments would avoid risk of loss in continuity. The proposal accords with the current position with police authorities, where an appointment would normally be for a four year term.

2.5.3 Panel Arrangements – Resignation and Removal of Members

The Act requires that Panel Arrangements include provision about the resignation and removal of appointed members and co-opted members.

It is proposed that:

- any member may resign at any time, by notice in writing to the Panel Chair and their appointing authority
- any appointed member may be removed by their appointing authority at any time
- an authority may authorise another of its members to deputise for their appointed member, where the appointed member is unable to attend a Panel meeting or otherwise undertake Panel business, for a period of up to 28 days. As the Act makes no reference to “deputy members”, this is achieved by the relevant authority’s Chief Executive having delegated authority to give notice of temporary change of appointed member. This is intended to provide a quick and flexible way of ensuring that the element of the balanced appointment objective, that requires all local authority members (when taken together) to represent all parts of the police area, remains met in the event that an authority’s normal representative is temporarily unavailable

Other options considered and rejected: consideration has been given to having less flexibility in the removal of Members, to avoid loss of skills and experience at short notice, and to protect the independence of a Member to act and vote as they consider appropriate. However, it was felt that flexibility was necessary to enable membership to be reviewed as required to ensure that the balanced appointment objective (see paragraphs 2.3 and 2.4 above) remained met (for example, following change in political control of an authority).

2.5.4 Panel Arrangements – the Costs of the Panel

The Act requires that Panel Arrangements make provision about how the relevant local authorities are to meet the costs of the Panel, and how any funds paid by the Secretary of State to meet the costs of the Panel are to be distributed between the authorities.

The Home Secretary has confirmed that the Government is making available £53,300 per annum for the costs of supporting and maintaining the Panel, and a further £920 per annum per member, to fund necessary expenses. This will provide an overall budget for the panel of around £72k in a full year, and around £36k in 2012-13.

The Government has asked that one authority in the police area acts as Lead Authority for the receipt of the funding and co-ordination of the establishment of the Panel. It was agreed at HLOWLA Leaders meeting on 27th January 2012 that Hampshire County Council would act in this capacity.

It is proposed that:

- The general objective shall be that the total costs of running the Panel are contained within the Government funding. The Panel will receive and approve a budget, and monitor expenditure against it
- To the extent that the Government funding is exceeded, the excess will be borne by the authorities in equal shares, unless they agree otherwise

2.5.5 Panel Arrangements – Payment of Members' Allowances

The Act provides that Panel Arrangements may make provision about the payment of allowances to Members. As indicated above, the Government is making available £920 per annum (£460 in 2012-13) towards expenses incurred by each Panel member. No specific provision is made for payment of further allowances.

It is proposed that:

- Panel members claim travel and subsistence from their own authority in accordance with that authority's usual scheme of allowances. Actual sums claimed on Panel business would be reimbursed by the Lead Authority to the appointing authority, up to a limit of £920 per annum (£460 in 2012-13)
- Where the member elected as Panel Chair is not already in receipt of a special responsibility allowance, their appointing authority shall explore amending its scheme of allowances to provide for this, in acknowledgement of the responsibilities of

Panel Chair

- The Lead Authority will explore amending its scheme of allowances to provide for the payment of a Co-optee's allowance to any of the Panel's co-opted members who is not also an authority member

Other options considered and rejected: the payment of further allowances is not proposed due to the impact this would have on the Panel's ability to contain its costs within the funding provided by the Government. Further, all local authority members of the Panel will already be in receipt of a basic allowance from their own authority.

2.5.6 Panel Arrangements – Promotion of the Work of the Panel

The Act requires that Panel Arrangements must make provision for the role of the Panel to be promoted.

It is proposed that the Panel's terms of reference include the functions of promoting its work and engaging stakeholder involvement.

No other options have been considered. The recommended way forward leaves it for the Panel to decide in detail how it wishes these functions to be performed.

2.5.7 Panel Arrangements – Administrative and Other Support to the Panel and Members

The Act requires that Panel Arrangements must make provision for administrative and other support to the Panel and its Members and for support and guidance to members and officers of local authorities in the Panel's area in relation to the Panel's functions. This includes support with arranging meetings and minute-taking, communications, policy advice and support with scrutiny functions, legal and financial advice.

It is proposed that an interim arrangement is put in place for the Panel's first year of operation, pending the carrying out of a commissioning process. This would meet the immediate needs of the Panel while allowing it to consider, specify and commission the support it requires for the longer term.

Other options considered and rejected: sharing policy advice with the Commissioner's Office is not considered tenable due to the need for objectivity in scrutiny of the Commissioner. Further, there is the possibility that members of the Commissioner's staff may be required to attend before the Panel to answer questions.

2.5.8 Panel Arrangements – Date of Commencement

The minimum legal requirement is for the Panel to be in operation by November 2012 when the Commissioner is elected.

It is proposed that the Panel be established by June 2012.

There are some key issues for the Panel to address over the winter period of 2012-13, including scrutinising the newly-elected Commissioner's first draft Police and Crime Plan and proposed precept for the 2013-14 financial year. It is felt therefore that the Panel would benefit from having an initial period, before taking on its statutory responsibilities, to deal with items of "start-up" business, such as induction of Members in police policy issues, agreeing Panel procedures and appointing its Chair and co-opted Members. The intention would be for the Panel to be ready to operate effectively from November 2012.

Further, the Secretary of State retains default powers under the Act to impose a Police and Crime Panel if the authorities for the Police Area do not establish one. Indications are that the Secretary of State will wish to see evidence of action on the part of the authorities well in advance of November 2012, in order not to use her default powers.

3 Next Steps

- 3.1 To enable a Panel to be established from June 2012, all 15 constituent authorities are being asked to approve the Panel Arrangements at their annual meetings in May 2012, and to appoint a Panel Member. Following the local elections on 3rd May 2012, updated information as to the political make-up of the 15 authorities (when taken together) will be made available, so that authorities can appoint their member in line with the political balance requirements of the balanced appointment objective. The date set provisionally for the first meeting of the Panel is **29th June 2012**.
- 3.2 At the date of preparing this report, the Home Secretary has not yet published regulations and guidance on the establishment of police and crime panels, which was previously stated to be due for publication in March. However, relevant Home Office staff have had sight of the draft Panel Arrangements for Hampshire, and have indicated that the regulations and guidance, when they are published, will be "light touch". It is unlikely therefore that these will give rise to any need for fundamental change of the proposed Panel Arrangements.
- 3.3 Nevertheless, it is felt advisable for each authority to grant delegated authority to its Chief Executive to agree any further minor

amendments to the draft Panel Arrangements that may be necessary to ensure statutory compliance, once the regulations and guidance have been published.

4 Risk Assessment

4.1 The proposals set out above satisfy the statutory requirements.

5 Conclusion

5.1 This report summarises the legal framework relevant to the new police and crime panels and sets out the terms on which it is recommended a Panel be established for the Hampshire Policing Area.

| | |
|---|---|
| Financial Services comments: | If the costs of the Panel exceeds the grant then budgetary provision will need to be made |
| Legal Services comments: | Contained in the report |
| Crime and Disorder: | Not applicable |
| Equality and Diversity: | Not applicable |
| Service Improvement Plan implications: | None |
| Corporate Plan: | These arrangements will support the Council's Safer Communities objectives |
| Risk Assessment: | See paragraph 4 |
| Background papers: | none |
| Appendices/Enclosures: | |
| Appendix 1 | Duties and Powers of the Police and Crime Panel |
| | |
| Report author/ Lead Officer: | Linda Edwards |

DUTIES AND POWERS OF THE POLICE AND CRIME PANEL

Duties

- To review the draft Police and Crime Plan, or draft variation, and make a report or recommendations on it to the Commissioner
- On receipt of the Commissioner's annual report, to meet in public to ask the Commissioner questions on the report, to review the report and make a report or recommendations on it to the Commissioner
- To review or scrutinise decisions made, or other action taken, by the Commissioner in the discharge of his/her functions, and make reports or recommendations thereon to the Commissioner (Note: the Panel's role therefore is to scrutinise the Commissioner in the discharge of his/her functions – not the Chief Constable)
- To review and make recommendations to the Commissioner on proposals to appoint senior staff and Chief Constable
- To make a recommendation to the Commissioner on any proposal to remove the Chief Constable
- To review and report to the Commissioner on his/her proposed precept
- To publish any reports or recommendations made to the Commissioner, and send copies to local authorities in the Panel's area
- To appoint an Acting Commissioner (from amongst the Commissioner's staff) where the Commissioner is incapacitated or suspended

Powers

- To require the Commissioner and members of his/her staff to attend before the Panel (at reasonable notice) to answer any question which appears to the Panel to be necessary in order for it to carry out its functions
- Where it requires the Commissioner to attend before the Panel, it may also request the Chief Constable to attend on the same occasion (at reasonable notice) to answer any question which appears to the Panel to be necessary in order for it to carry out its functions
- To require the Commissioner to respond in writing (within a reasonable period determined by the Panel) to any of the Panel's reports or recommendations

- NB. The Commissioner and his/her staff are under a duty to comply with the above requirements
- To suspend the Commissioner where s/he is charged with an offence punishable by a maximum term of imprisonment of more than two years
- To veto the proposed appointment of Chief Constable (subject to two thirds of members voting in support)
- To veto the Commissioner's proposed precept (subject to two thirds of members voting in support)

Note: Secondary legislation makes provision for the involvement of the Panel in the handling of complaints against the Commissioner. Serious complaints will be handled by the Independent Police Complaints Commission, and other complaints dealt with by the Panel via local resolution