

PANEL MEETING ON 15 JANUARY 2019

SUBJECT: NATIONAL ASSOCIATION OF POLICE FIRE AND CRIME PANELS

REPORT OF THE CLERK TO THE PANEL

1. Purpose of Report

To provide an update on the National Association of Police Fire and Crime Panels following its Annual General Meeting on 11 November 2018.

2. Background

- 2.1 Following consultation with Police and Crime Panels, it was agreed that the National Association of Police Fire and Crime Panels be established as a Special Interest Group within the Local Government Association.

3. National Association of Police Fire and Crime Panels

- 3.1 At its meeting on 24 April 2018, the Panel agreed its commitment to the National Association of Police Fire and Crime Panels, subject to further information on the National Association's costs being provided (Minute 59 – 2018/19). It has also been agreed that Councillor J Welsh represent the Panel on the National Association.
- 3.2 The National Association has appointed a Chair, two Vice-Chairs and an Executive Board and agreed its constitution and terms of reference.
- 3.3 The National Association has also agreed an annual subscription of £500 to support its work, to be funded from the Home Office grant paid to the Police and Crime Panels' host Authorities.
- 3.4 Some Police and Crime Panels requested confirmation that the use of the Home Office grant, which is provided to the host Authorities to maintain a Police and Crime Panel for their force area, was legitimate and appropriate.

4. Home Office Grant to Police and Crime Panel Host Authorities

- 4.1 The Home Office grant agreement with the host Authorities states that the grant can only be applied to "eligible expenditure". It states that the following costs are not "eligible expenditure": payments that support activity intended to influence or attempt to influence Parliament, Government or political parties, or attempting to influence the awarding or renewal of contracts and grants or attempting to influence legislative or regulatory action.

- 4.2 A Member of the National Association's Executive Board provided an advice note suggesting that there ought to be no problem in devising a form of words for inclusion in the Rules of the National Association ensuring that its activities do not fall outside of the remit of "eligible expenditure" which was passed to the Home Office for comment in July 2018.

5. Home Office response on the use of the Panel grant on Membership Subscriptions to the National Association

- 5.1 The Home Office considers that, from a legal perspective, the use of grant to pay subscription to the envisaged National Association is not within the scope of the grant agreement with host Authorities and if a host authority paid the subscription it would be a breach of the terms of the grant agreement and would be likely to be unlawful. The Home Office considers that it would be entitled to refuse to pay expenses claims under the grant agreement that are attributed to the proposed National Association.
- 5.2 The money paid by the Home Office to a Local Authority under the grant agreement must be used to enable the Panel to carry out its statutory functions and responsibilities set out in the Police Reform and Social Responsibility Act 2011.

The statutory functions and responsibilities of a Panel are focussed on scrutiny of the relevant Police and Crime Commissioner (PCC) and do not extend out of the police area of the PCC. There is no statutory function on the Panel to be a member of a representative body such as the one proposed.

- 5.3 The Home Office recognises that there are functions and services that must be provided to support effective local scrutiny and develop the capability of Panels to scrutinise the decisions and actions of PCCs. However, in policy terms, the Home Office believes that these are services that the Local Government Association should provide as the sector body for Panels. To claim an element of Home Office grant for the provision of sector services that should already be the responsibility of the sector body potentially raises issues about double-funding of these functions.

6. Representations to the Home Office

- 6.1 Whilst the Home Office response does not prevent the formation of the National Association, it provides a constraint in respect of if or how some of the Association's agreed terms of reference can be delivered.
- 6.2 The National Association's Executive Board believes that the restrictive wording of the 2011 Act should be relaxed in order for Police and Crime Panels to make the best use of the Home Office grant.
- 6.3 The Chair of the National Association has asked Police and Crime Panels to demonstrate its support by writing to the Policing Minister and Home Secretary requesting a change to the current Home Office grant conditions

that allows Police and Crime Panels greater flexibility in the use of the grant for Police and Crime Panel related purpose, which may be outside of their respective policing area.

7. Recommendation

7.1 The Panel is asked to note the current position regarding the payment of the National Association's annual subscription of £500 from the Home Office grant paid to the Police and Crime Panels' host Authorities and give its view on the following options:-

- a) The Panel could write to the Policing Minister and Home Secretary requesting the outlined change to the current Home Office grant conditions;
- b) The Panel could wait and see the outcome of the other Panels' representations to the Policing Minister and Home Secretary before reviewing its position with the National Association.
- c) The Panel could ask the six constituent Councils to pay its National Association annual subscription of £500.