

**AVON AND SOMERSET POLICE AND CRIME
PANEL**

17th March 2022

Host Authority Arrangements

Recommendation

The Panel is invited to note that Somerset County Council's (SCC) is serving its notice of resignation as Host Authority for the Avon and Somerset Police and Crime Panel.

Paragraph 4.3 of the Panel's Operating Arrangements states that the Host Authority should give 6 months notice of its intention to resign to enable a new Host Authority to be identified. A letter will be sent to the Chief Executives of the Constituent Councils, setting out SCC's resignation and the six month requisite notice period in order to effect the transition by 1st October 2022.

1. Summary

The initial set up arrangements for the Avon and Somerset Police and Crime Panel were overseen by a Joint Selection Committee of all Avon and Somerset Council Leaders. Following various discussions between the component authorities leading up to the establishment of the Panel in 2012, Bristol City Council went on to undertake the role of Host Authority between 2012 and 2017. Since June 2017, the role has been undertaken by Somerset County Council. This arrangement includes the provision of administrative and other specialist support to the Panel, and the related Home Office funding has been drawn down and administered by Somerset County Council (SCC) from 2017 to date.

The Host Authority role is to facilitate a day to day coordination role with the OPCC through the dedicated Lead Officer and to provide the following direct services:-

- Governance expertise and guidance
- Policy development and the production of working protocols between the Panel and the Office of the Police and Crime Commissioner (OPCC)
- Delivery of the Panel's work programme, core duties, proactive scrutiny reviews and management of underpinning meeting schedule
- Complaints handling function - management, research and presentation of sensitive material, risk assessments, associated procedural advice and guidance to the Panel Lead Member and sub-committee, serious complaint referrals to the Independent Office for Police Complaints, assessment of complaint reviews,

- production of complaint resolution reports
- Training and Development Days
- Monitoring Officer support
- Financial support for Home Office grant administration
- Clerking/administrative support
- Legal advice (when needed)
- HR advice (when needed)

2. Host Authority arrangements – background

It is usual practice to ensure there are effective Host Authority arrangements in place for the same term as the election of the Police and Crime Commissioner. Accordingly, on 13th October 2020, the Panel considered a report to review support arrangements and plan for the appointment of a new Host Authority for 2021-2025 effective from 1st April 2021.

This included liaison with constituent authorities to establish their interest in providing the Host Authority services for the Panel. This did not lead to a transfer of the Host Authority at that time as no other council volunteered to undertake the Host Authority role. Consequently, Somerset County Council continued to provide these services in order to ensure the Panel was adequately supported both before and after the Police and Crime Commissioner elections in May 2021.

On 9th December 2021, the Panel received a private briefing from the SCC Monitoring Officer as the senior manager for the Host Authority, highlighting the growth of the Panel's work, the future requirements of the Panel and the increased level of support being provided. The effect of this being that SCC is incurring a deficit in funding as the Home Office funding is insufficient to meet the full costs of supporting the Panel. On behalf of the Panel, the Host Authority issued a letter to the Chief Executives on 2nd February 2022 to bring the constituent councils up to speed in relation to the additional funding requirements and the Panel's recommendation for each authority to contribute £5,000 on an annual basis.

In the same letter, SCC informed the constituent authorities that its Host Authority support to the Panel was becoming challenging due to other corporate governance resourcing priorities such as the Local Government Reorganisation for the five councils in Somerset and delivering essential services during a global pandemic. It is clear from liaison with the Government and the experience of other councils that have been through reorganisation that there is a high level of corporate governance support required to achieve Local Government Reorganisation on 1 April 2023. This will mean that both the Monitoring Officer and Deputy Monitoring Officer at Somerset County Council and other corporate services will not have capacity in 2022 to support the Panel.

Attention was also drawn to the paragraph Costs of the Panel at 11(1) schedule 6 of the Police Reform and Social Responsibility Act 2011, where it is made clear that the relevant authorities must decide collectively how the costs of the Panel are met and "insofar as provision is necessary, how funds paid (whether by the Secretary of State or otherwise) to meet the costs of the Panel are to be paid to, or distributed between, the relevant local authorities." Guidance also states "In England, there is provision in the Act for constituent local authorities to agree joint funding mechanisms to supplement this central resource with a joint pooled budget. Depending on the work programme of the Panel (for example, the number of scrutiny investigations it carries out and in what depth it conducts its challenge and support of the Commissioner), it is clear that the constituent councils can provide the necessary support."

The letter specified that a viable solution must be reached by the end of February 2022, with all constituent authorities agreeing to make an annual contribution of £5,000 from 2022/23 onwards to enable the Panel to undertake its statutory requirements going forward to and to ensure that the Host Authority is not compromised by the development of this work area.

There has been positive movement in terms of additional funding contributions from most authorities and formal agreement has been received from:-

Bristol

Bath and North East Somerset

Mendip

Sedgemoor

Somerset West and Taunton

Somerset County Council

South Gloucestershire

South Somerset

The Panel representative from North Somerset has also confirmed that their Unitary Council has no objection to the proposed funding arrangement and the understanding is that this will be confirmed imminently by their Chief Executive.

3. Resignation as Host Authority

The purpose of this report is to advise Panel Members that notwithstanding the additional funding contributions agreed, SCC is giving notice of its resignation as Host Authority. This decision is considered necessary in the context of the Local Government Reorganisation and the requirements of implementing the Structural Changes Order, with the resulting significant increase in corporate governance and democratic work and their associated timescales which essentially fetter SCC's ability to remain as the Host Authority. In advance of this meeting, the Monitoring Officer has written directly to the Chair and Vice Chair notifying them of this decision.

The resignation requires 6 months notice in accordance with paragraph 4.3 of the Panel's Operating Arrangements.

4. Implications

Officer Support

From 2017, following consultation with the Panel at that time, the Panel has been supported by a dedicated officer who performs the role of Lead Officer. This role has a dedicated job description and has sole responsibility for supporting and delivering on all aspects of the Panel's statutory strategic partnership duties, its proactive scrutiny arrangements and the confirmation of senior staff in the OPCC. It requires detailed knowledge of the relevant legislation and national and strategic policy issues affecting PCCs and Panels and involves the implementation of objectives, policies and strategies set by the Home Office. The day to day contact for this role is the PCC's Senior Leadership Team and frequent contact with Constabulary Lead Officers and portfolio holders.

The Lead Officer is also responsible for the Panel's complaint function which can be technical and complex. This work area specifically relates to the PCC's conduct and is underpinned by statutory complaint regulations. It includes the assessment of criminal allegations and serious complaint referrals to the Independent Office for Police Complaints.

HR Advice has been sought in relation to the post and it has been confirmed that if the postholder performs over 80% of their current duties for the Avon and Somerset Police and Crime Panel, then the post is covered by Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and the postholder will therefore become an employee of the new Host Authority, carrying out the same/broadly similar work. Under TUPE, the post automatically transfers to the new employer on existing terms and conditions. The Home Office funding more than covers the current payroll costs for this post.

Following recent discussions, the current Panel has indicated the collective wish to retain the services, experience and specialist knowledge of its dedicated full time Lead Officer.

This information will be notified to all Chief Executives as part of the process for identifying a new Host Authority.

Host Authority - Transfer

It should be highlighted that if the Constituent Authorities do not put in place appropriate arrangements for the Panel to undertake its statutory function, then the Secretary of State will impose arrangements. Inevitably, the Unitary Authorities that have not acted as Host Authority thus far will come into scope.

Any transfer of the Host Authority role will require advance work between constituent authorities to ensure appropriate preparations and handover is undertaken. This is

essential to maintain the effectiveness of the Panel's functions and arrangements and to ensure it is not detrimentally impacted by the transition.

It is recommended that one of the other Constituent Councils notifies the Panel and Somerset County Council of its intention to undertake the role of Host Authority as soon as possible so that an effective transfer can be completed before the end of the notice period. This is essential as Somerset County Council cannot extend its services as Host Authority beyond the termination of the notice period.

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Host Authority for Avon and Somerset Police and Crime Panel