

To: Clerks to Police Authorities in England  
Chief Executives of Unitary Councils in England  
Chief Executives of Metropolitan District Councils (outside London) 16 MAY 2002  
Chief Executives of County Councils

cc: Chairmen of Police Authorities in England

9 May 2002

*Dear Colleague*

### **Appointment of Councillor Members to Police Authorities in England and Wales**

Following the recent local government elections, relevant councils and joint committees will be considering the appointment of councillor members to police authorities. This letter draws attention to issues which should be borne in mind in making such appointments.

#### **Political Balance of Appointments**

Paragraph 4 of Schedule 2 of the Police Act 1996 (as amended by the Criminal Justice and Police Act 2001) provides that the balance of representation on police authorities should reflect the entire composition of the relevant council or councils in the area, including those councillors who are not members of political parties.

Under Paragraph 4, so far as practicable, the relevant council or joint committee must ensure that the proportion of members of any political party appointed to a police authority is the same as the proportion of members of that party on the relevant council or councils taken as a whole. Any remaining seats on the police authority must be filled by independent councillors.

#### **Composition of Police Authorities**

Police authorities, like local authorities, need to reflect the diversity of the local communities which they serve. Amongst other things, the Macpherson Report into the Murder of Stephen Lawrence recommended that:

**"the Home Secretary and police authorities should seek to ensure that the membership of police authorities reflects so far as possible the cultural and ethnic mix of the communities which those authorities serve"**

Both the APA nationally, and police authorities locally have worked hard in recent years to improve the number of police authority members from under-represented groups, including those from minority ethnic communities.

#### **Association of Police Authorities**

Local Government House, Smith Square, London, SW1P 3HZ

Tel: 020 7664 3167 Fax: 020 7664 3191 E-mail: [fonnuiaa.oill@lga.gov.uk](mailto:fonnuiaa.oill@lga.gov.uk)

Website: [www.apa.police.uk](http://www.apa.police.uk)

Figures collected by the APA show that at April 2002, out of a total of 747 police authority members in England and Wales, some 192 (just under 26%) were female – of whom 82 were councillor members. Only 53 of the total were minority ethnic members. The majority (33) of these were independent members: only 18 of the 400 councillor members were drawn from minority ethnic communities.

Both the APA and the LGA are wholly committed to police authorities being fully representative of their local communities. We would urge those in local authorities with a say in police authority membership to make every effort, commensurate with their legal obligation to achieve proportionality, to make appointments which help to secure a police authority membership which as far as possible reflects all sections of the community within the police authority area.

### **Competencies for Police Authority Membership**


The roles and responsibilities of police authority members have become increasingly more demanding and challenging in the past five years. In selecting members to serve on police authorities, councils and joint committees may find it helpful to bear in mind the enclosed information

- **Job profiles for police authority members** – these profiles were drawn up by an Independent Panel commissioned by the APA to recommend a new system of allowances for police authority members
- **Competency framework for police authority members** – drawn up by the APA for those selecting police authority members – whether councillors, magistrates or independent members – identifying the skills and aptitudes needed to make an effective contribution to the work of a police authority.

We would be grateful if this letter and enclosures could be drawn to the attention of all those involved in determining appointments to police authorities.

For any further information or advice, please do not hesitate to contact Fionnuala Gill at the APA (020 7664 3167 or email [Fionnuala.gill@lga.gov.uk](mailto:Fionnuala.gill@lga.gov.uk)) or Alison Sutherland at the LGA (020 7664 3246 email [Alison.Sutherland@lga.gov.uk](mailto:Alison.Sutherland@lga.gov.uk)).

Yours sincerely



pp **Melanie Leech**  
**Executive Director**  
**Association of Police Authorities**



**Brian Briscoe**  
**Chief Executive**  
**Local Government Association**



## APPOINTMENT AND SELECTION OF MEMBERS OF POLICE AUTHORITIES

These papers offer guidance to those responsible for appointing and selection members of police authorities. Although the membership is drawn from different groups – councillors, magistrates and independent members of the community – each police authority is an independent, corporate body whose members are collectively responsible for discharging a range of statutory duties.

A primary role for police authorities is to represent the whole community served by its police force and its membership should be drawn from as wide a range of backgrounds as possible.

To be effective, police authorities must retain their independence while engaging in a series of constructive partnerships to secure the effective and efficient delivery of the right police service for their area. These partnerships are with:

- ◆ the local community, through a range of consultation processes, to ensure that its needs are properly reflected in the policing plan and that decisions reached on policing priorities are reported back to the community;
- ◆ the police themselves, to develop police authority members' awareness and understanding of the pressures and challenges they face, without compromising the authority's statutory duty to maintain effective, independent scrutiny and oversight;
- ◆ the local authorities, particularly in relation to the development of strategies and audits under the Crime and Disorder Act 1998;
- ◆ Her Majesty's Inspectorate of Constabulary, which provides professional advice and support not only to the Home Secretary and police forces but to police authorities as well, by promoting good practice and offering advice on the appointment of assistant chief constables and chief constables;
- ◆ The Audit Commission, which promotes good practice in policing by encouraging economy, efficiency and effectiveness in both the management and delivery of services.

There is no expectation that all police authority members will be able to be fully effective immediately. Initially, they will make their own personal contribution, drawing on their background and experience gained in their working life, their involvement in the community or in voluntary work. But they must be willing to extend their knowledge and skills in order to play a full part in the wide range of duties for which police authorities are responsible.

Detailed information and guidance is attached:

- Annex 1:      requisite skills/competencies and personal qualities
- Annex 2:      the role and functions of police authorities
- Annex 3:      the legislative framework

Further information and advice is available from:

Melanie Leech  
Executive Director  
Association of Police Authorities  
Local Government House  
Smith Square  
London, SW1P 3HZ

Tel: 020 7664 3170 Fax: 020 7664 3191  
E-mail: [melanie.leech@lga.gov.uk](mailto:melanie.leech@lga.gov.uk)

## POLICE AUTHORITIES: REQUISITE SKILLS/COMPETENCIES AND PERSONAL QUALITIES

Given the diverse range and complexity of police authorities' functions, newly appointed members are not expected to have all the requisite skills from the outset, but there are three essential requirements:

- ❖ A commitment to policing and to the delivery of a fair and non-discriminatory police service to all members of the community. This involves an ability to engage with a wide range of people by seeking out and listening to their views. Members have to demonstrate integrity.
- ❖ Availability: members must be prepared to devote time in order of 50 days a year and energy to the work; they will be expected to attend appropriate training courses and seminars, undertake preparatory work in addition to attending meetings, and engage with the police, including representatives of their staff associations, to develop an understanding of the challenges officers face in their day to day work.
- ❖ A balanced approach: to promote good policing authority members need to establish and maintain constructive partnerships with their police force, and other organisations, without compromising their core responsibility of providing effective, independent oversight and scrutiny.

The other qualities and inter-personal skills, which are particularly relevant to the work undertaken by police authority members are:

### Analytical skills

- the ability to interpret, identify the salient points and question complex written material – including financial information and other data, for example performance measures.

### Strategic thinking

- breadth of vision, the ability to rise above detail and to see problems/issues from a wider, forward-looking perspective.

### Judgement

- to take a balanced, open-minded and objective approach – for example, in evaluating policing priorities and in assessing candidates for top level appointments.



Communication

- to explain policing issues clearly, sometimes in public meetings with the media present, and to engage in constructive dialogue.

Team working

- to play an effective role in committees and other partnerships through listening, persuading and showing respect for the views of others.

Self confidence

- to challenge accepted views constructively, without becoming confrontational.

Enthusiasm/drive

- to be pro-active in seeking out learning and developmental opportunities to enhance knowledge and understanding – for example on financial matters and statutory requirements, including the implications of legislative development in new fields such as human rights.

## **POLICE AUTHORITIES: ROLE AND FUNCTIONS**

The primary purpose of a police authority is to provide the strategic direction and oversight of its police force. The authority's fundamental statutory duties are to maintain an efficient and effective police force and to secure best value in local policing services. The responsibility for operational activities and the day to day management of the force rests with the chief constable.

To meet the statutory duties placed on police authority members are responsible, collectively, for the following functions.

### **Publishing an Annual Policing /Best Value Performance Plan**

The Annual Policing/Best Value performance plan sets out how the community will be policed in the year ahead and how performance will be improved over a five-year period. The plans are drafted by the chief constable and the authority must consult him/her about any changes to the draft. But public accountability requires that the ownership of the plans rests with the police authority. To inform this process police authorities are required to:

- Consult the local community about their concerns and priorities. This is a wide ranging and on-going process;
- Set key objectives, performance measures and targets both for local priorities and those set by the Home Secretary;
- Manage the best value process and become involved in best value reviews
- Fully understand the business of policing

### **Setting the Annual Budget**

The formula for funding police expenditure is complex and it follows that police authority members must be ready to acquire an understanding of how it works and who is responsible for what. Put simply, the authority is responsible for setting priorities about policing in the force area and holding the chief constable to account for how the budget is spent. The chief constable is responsible for managing the financial resources allocated in the budget, although authority members will be involved in agreeing large contracts and capital expenditure.

## **Publishing an Annual Report**

The police authority is responsible for producing a report at the end of each financial year reporting back to the community on the extent to which the annual plan has been achieved.

## **Other Statutory Functions**

Some of the remaining specific functions for which police authorities are responsible for:

- Appointing the chief constable and assistant chief constables
- Monitoring the handling by the police force of complaints from the general public
- Considering any complaints against the chief and assistant chief constables
- Acting as the disciplinary authority for the chief and assistant chief constables
- Operating a lay visiting scheme to provide an independent check on persons detained in police cells.



## **POLICE AUTHORITIES: LEGISLATIVE FRAMEWORK**

### **Background**

The Police Act 1996 consolidated the reforms affecting police authorities introduced by the Police and Magistrates' Court Act 1994. The key statutory duty placed on a police authority is to secure the maintenance of an efficient and effective police force in its area. The Local Government Act 1999 placed the new statutory best value duty on police authorities. This means that police authorities now have a responsibility to ensure continuous improvement in all the force's functions, reviewing from first principles all its performance and setting performance indicators and targets.

### **Status**

Each police authority is an independent corporate body, whose members are collectively responsible for the statutory duty to maintain an efficient and effective police force throughout its force area.

### **Composition**

Although applications to vary the size of a police authority can be made to the Home Secretary, most authorities consist of seventeen members – nine councillors, three magistrates and five independent members. In keeping with the corporate status of police authorities, all members are expected to represent the local community as a whole, not particular localities or political/sectional interests within it.



# Job Profiles

## Police Authority Member

### Role

- To ensure that there is an effective and efficient police force for the area
- To ensure that local communities receive best value in local policing services
- To set the strategic direction for the force and exercise effective oversight of force performance
- To represent the interests of all those who live in, work in, or visit the police authority area and to ensure that the views of local people are reflected in the nature and style of local policing
- To ensure that policing services are provided fairly and in a way which does not discriminate against any group or individual
- To participate constructively in the good governance of both the authority and the force

### Responsibilities

1. to carry out collectively all statutory and locally determined requirements of a police authority member, including participation in the formulation of policy, decision-making and other activities of the full authority (such as determining the budget and precept, determining local policing priorities, agreeing the annual policing/best value plan and other strategies). A list of police authority statutory responsibilities is at Appendix A.
2. to participate effectively as a member of any committee, panel, taskgroup or other authority forum to which the member is appointed
3. to participate in best value reviews, as nominated by the authority
4. to comply with all relevant codes of conduct

and maintain the highest standards of conduct and ethics

5. to maintain an up-to-date knowledge and awareness of national and local policing issues
6. to maintain a good working knowledge of force policies and practices and to establish good working relationships with officers of both the authority and the force
7. to rigorously scrutinise, challenge and monitor all aspects of force performance
8. to participate fully in local consultative arrangements and actively engage in communication and dialogue with local people about local policing services
9. to represent the views of the police authority within local communities and the views of local communities to the authority
10. to participate actively in any outside body or forum on which the member is appointed to represent the authority
11. to be involved in the appointment, discipline or dismissal of senior officers, as appropriate
12. to monitor the way in which complaints are dealt with by the force and deal with complaints against chief officers
13. to promote equality of opportunity and work to eliminate unlawful discrimination both internally within the authority and force and in the provision of policing services
14. to attend local, regional and national conferences/seminars/briefings, if nominated by the authority
15. to answer questions at council meetings, if nominated to do so by the authority



16. to ensure that an effective independent Custody Visiting Scheme is maintained

17. to participate in inspections and audits of the force and authority

## **Chairmen of Major Committees or Panels/Lead Member**

### **Role**

- To fulfil the basic responsibilities of a police authority member and to chair a major committee, panel or similar of the authority or act as a lead member for a particular portfolio

### **Additional Responsibilities**

1. to lead the work of a major committee of the authority
2. to act as the authority's lead member and spokesperson on the areas within the committee's remit
3. to develop and maintain up-to-date knowledge and specialist expertise in the area for which responsible
4. to liaise closely with authority and force staff in developing and managing the work of the committee
5. to contribute to national policy development, national events or APA networks or initiatives on the areas for which responsible

## **Vice-Chairman**

### **Role**

- To fulfil the basic responsibilities of a police authority member and to hold the office of vice-chairman of the authority

### **Additional Responsibilities**

1. To deputise for the Chairman when necessary
2. To liaise closely with the Chairman and assist him/her in overseeing conduct of the authority's business as described in the Chairman's job profile
3. To represent the authority on the APA, if nominated to do so

## **Chairman of the Authority**

### **Role**

- To fulfil the basic responsibilities of a police authority member and hold the office of chairman of the authority

### **Additional Responsibilities**

1. To provide leadership, ensuring that the authority works as a coherent and corporate body
2. To preside at authority meetings, applying standing orders and ensure that members have a fair opportunity to participate in debates
3. To represent the authority to the press and outside organisations
4. To oversee co-ordination of police authority business at member level and develop, review and monitor implementation of the policies and strategies of the police authority
5. To liaise with the Clerk, Treasurer and Chief Constable to facilitate authority business
6. To hold regular strategic meetings with the chief constable
7. To undertake performance review of the members of the chief officer team

8. To appoint the police authority's officers and staff and ensure that arrangements are in place for effective management of officers and staff

9. To ensure that authority members receive the support and training they need to carry out their functions effectively

10. To represent the authority on the Association of Police Authorities

11. To attend regional networks and national tripartite gatherings, as required





# Summary of Police Authority Statutory Duties/Responsibilities

## **Police Authorities' three key functions are:**

- To secure an efficient and effective police service (Section 6, Police Act 1996)
- To secure best value ie continuous improvement in the way [their functions] are exercised having regard to economy, efficiency and effectiveness (Section 3, Local Government Act 1999)
- To make arrangements for obtaining
  - The views of [local] people [about] the policing of their area; and
  - The co-operation [of local people] in preventing crime

(Section 96, Police Act 1996)

Authorities have a whole range of statutory duties which underpin these functions. The following is not an exhaustive list – in particular, it does not detail procedural matters under local government legislation or those relating to the appointment or responsibilities of police authority officers/staff under police/local government legislation. Instead, it focuses on key responsibilities that police authorities are required to fulfil as part of their functions. These are:

- To determine the local priorities for policing – after consulting local people and the chief constable (section 7, Police Act 1996)
- To publish an annual policing plan including Ministerial Priorities, local policing objectives and any performance targets set by the authority and including the best value performance plan (Section 8, Police Act 1996 & Section 6, LGA 1999 and associated regulations)
- To report back to the community at the end of the year on the extent to which the policing/best value performance plan has been met (Section 9, Police Act 1996)
- To appoint and dismiss the Chief Constable, subject to the approval of the Secretary of State (Section 11, Police Act 1996)
- To appoint and dismiss Assistant Chief Constables and be consulted on the designation of a Deputy Chief Constable (Section 12, Police Act 1996 and Police Regulations)
- To hold the Police Fund and maintain accounts (Section 14, Police Act 1996)
- To agree the police budget and set the precept (Section 19, Police Act 1996 and Section 40, Local Government Finance Act 1992)
- To nominate one or more members of the authority to answer questions on the discharge of the authority's functions at a meeting of a relevant council when given reasonable notice of this by the council (section 20, Police Act 1996)
- To collaborate with other police authorities to jointly provide equipment, premises, or other material or facilities, where appropriate (Section 23, Police Act 1996)
- To decide the charges for the provision of special police services (Section 25, Police Act 1996)
- To provide advice and assistance to an international organisation, institution or a police body outside the UK (includes secondment of police officers), subject to the consent of the Home Secretary (Section 26, Police Act 1996). The authority can charge for such advice/assistance.
- To comply with any direction given by the Secretary of State on performance targets for Ministerial priorities (Section 38, Police Act 1996)
- To comply with any Codes of Practice issued by the Secretary of State relating to the discharge of police authority functions (Section 39, Police Act 1996)

- To comply with any direction made by the Secretary of State following an adverse report by HMIC ie that the force is not, or will cease to be, effective or efficient (Section 40, Police Act 1996)
- To comply with any direction made by the Secretary of State as to the budget requirement (Section 41, Police Act 1996)
- To comment on any HMIC report on the force and any comments made by the chief officer about the report and to publish those comments (section 55 Police Act 1996)
- To investigate complaints about the conduct of ACPO officers (Section 68, Police Act 1996) or where appropriate refer complaints to the PCA (Section 70, Police Act 1996)
- To keep itself informed of the workings of the complaints and discipline procedures (Section 77, Police Act 1996)
- To have regard to any guidance issued by the Home Secretary on complaints or disciplinary matters (sections 83 & 87 Police Act 1996)
- To pay out of the Police Fund, in such cases and to such extent as it thinks appropriate, any damages or costs awarded against the police in respect of torts or in relation to the settlement of a claim (Section 88, Police Act 1996)
- To receive grants from any local council which falls wholly or partly within the authority area either unconditionally or, subject to conditions agreed with the chief officer of police (Section 92, Police Act 1996)
- To accept gifts of money or gifts and loans of other property, including commercial sponsorship of any activity of the authority or force on such terms as appear to it to be appropriate (Section 93, Police Act 1996)
- To conduct best value reviews of its functions in accordance with any order made by the Secretary of State (Section 5, LGA 1999)
- To publish any audit report on its best value performance plan (Section 9, LGA 1999)
- To co-operate with the 'responsible authorities' in formulating and implementing crime and disorder audits and strategies for each district/unitary in its area (Section 5, Crime & Disorder Act 1998)
- To exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (Section 17, Crime & Disorder Act 1998)
- To comply with the requirements of the Freedom of Information Act 2000
- To have due regard for the need to:
  - Eliminate unlawful racial discrimination
  - Promote equality of opportunity and good relations of persons of different racial groups
 (Section 2, Race Relations (Amendment) Act 2000)
- To maintain an effective independent Custody Visitors scheme (non-statutory)