

MEETING OF THE COUNCIL

18 JULY 2012

REPORT OF THE MONITORING OFFICER

**POLICE AND CRIME PANEL :
COMPOSITION AND TERMS OF REFERENCE**

1.0 PURPOSE OF THE REPORT

- 1.1 The Council is requested to agree the arrangements for the operation and composition of the Police and Crime Panel to enable that Panel to be set up.
- 1.2 To note that the Council appointed its representative, Councillor Rhodes, at the Annual Meeting on 9 May 2012 for the Civic Year 2012/13.
- 1.3 To appoint a substitute Member representative to the panel for the Civic Year 2012/13.

2.0 RECOMMENDATIONS

- 2.1 To agree that the Leicestershire County Council acts as the host authority for the Police and Crime Panel;
- 2.2 To agree the Panel arrangements as required by the Police Reform and Social Responsibility Act 2011 and the Terms of Reference of the Panel, as set out in Appendices A and B to this report;
- 2.3 To note that the County Council is proposing to authorise its Chief Executive to make such further practical arrangements with regard to the procedures and protocols to be followed in relation to the Police and Crime Panel as may be appropriate to facilitate its operation;
- 2.4 To agree, as a matter of principle, that co-option of members from constituent authorities should be used to secure the balanced appointment objectives in relation to political balance and representation of the area covered by Leicestershire police;
- 2.5 To agree that, subject to ongoing review, as provided by the Panel arrangements, the Police and Crime Panel should consider co-option of three additional members from the Leicester City Council to achieve the balanced appointment objectives;
- 2.6 To note that Councillor Rhodes is the Council's Member representative for 2012/13 and this be an annual appointment.
- 2.7 To agree a substitute Member representative to the panel for the year 2012/13 and this be an annual appointment.

2.8 To note that travel and subsistence expenses will be payable to the Council's appointed representative to the Police and Crime Panel.

3.0 KEY ISSUES

3.1 The relevant provisions of the Police Reform and Social Responsibility Act will come into effect on 23 November 2012. It is intended that Police and Crime Panels should come into existence on 23 November 2012, following the election of a Police and Crime Commissioner on 15 November.

3.2 The host authority for the Police Force area that includes Melton and the other districts of Leicestershire and Rutland is the Leicestershire County Council.

3.3 On 15 June 2012, the Home Office issued a letter requiring host authorities for the purpose of the Police and Crime Panels to complete and return a pro-forma by 16 July 2012, including a statement that the local authorities in the Force area have agreed the Panel arrangements.

3.4 As there are ten local authorities in the Force area, the Home Office has been advised by the County Council that it will not be possible to meet this requirement, but that the appropriate decision-making processes will be followed as quickly as possible in order to achieve the appropriate outcomes.

3.5 This report, which is based on a draft LCC Cabinet report for the meeting on 24 July 2012, requests Members to consider the arrangements for the operation and composition of the Police and Crime Panel to enable that Panel to be set up. Similar reports will be considered by the other authorities within the Force area.

Composition of the Panel

3.6 The Police Reform and Social Responsibility Act, which establishes these Panels, is prescriptive as to membership. There are, in effect, three categories of members :-

(a) Mandatory Local Authority Appointments

In the police area of Leicestershire, Leicester and Rutland, the Act requires that there be ten members, one from each of the authorities : Leicestershire County Council, Leicester City Council, Rutland County Council, Charnwood Borough Council, North West Leicestershire District Council, Hinckley and Bosworth Borough Council, Blaby District Council, Oadby and Wigston Borough Council, Harborough District Council and Melton Borough Council.

(b) Mandatory Co-opted Members

There must be at least two co-opted members appointed by the Panel. The expectation of the Home Office is that these co-opted members will be independent of the local authorities.

(c) Discretionary Co-opted Members

A Police and Crime Panel may appoint by co-option further members, subject to the agreement of the Secretary of State and the requirement that the total membership should not exceed 20. These further co-opted members may be members of the local authorities.

3.7 The local authorities which a police area covers must comply with the 'balanced appointment objective' as defined in the legislation when establishing and maintaining a Police and Crime Panel. The balanced appointment objective requires that local authorities' members of a Police and Crime Panel should :-

- '(a) represent all parts of the relevant police area;
- (b) represent the political make-up of ... the relevant local authorities (when taken together);
- (c) have the skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively'

3.8 The population distribution between the three principal authorities is as follows:-

- Leicestershire County Council 65%
- Leicester City Council 31%
- Rutland 4%

3.9 Given the requirement for each authority to have one member, this would mean that, to fully reflect the population distribution, a Panel of 26 would be required; the best that can be achieved is some increase in representation for the City Council area.

3.10 In considering how to meet the requirement of political balance, an approach has been adopted of aggregating the seats held by the political parties across the ten authorities. This gives a political balance as follows :-

- Conservatives 52%
- Labour 26%
- Liberal Democrats 19%
- Others 3%

3.11 A note of how the current political balance was arrived at is set out at Appendix C.

3.12 An objection to this method of calculation of representation was received by the County Solicitor from Mr Max Hunt on behalf of the County Labour Group; a copy of relevant correspondence is attached at Appendix D.

3.13 It is proposed in the Panel arrangements that Leicestershire County Council, as host authority, will undertake periodic reviews of the membership of the Panel, with a view to making recommendations 'as appropriate' to both the Panel and the relevant authorities as to the make-up of the membership of the Panel. These reviews will take place following local elections and at other times as necessary.

3.14 A number of key principles have emerged following further consideration and consultation with the Leader and Deputy Leader of the County Council, Chief Executives of the District Councils, senior officers of Leicester City Council and Rutland County Council and Members serving on Community Safety

Partnerships and the Leicestershire Safer Communities Strategy Board. It has become clear that the general view across authorities is that the representational role and powers of the Panel are so significant as to mean that the Executives/Leaders of the Councils wish to represent their authorities. This means that seven out of the ten mandatory local authority places will be taken by the Conservative Party. There has also been some acknowledgement of the need to keep the size of the Panel at a manageable level and to ensure that, if possible, there should be an odd number of members of the Panel. The importance of the Public Sector Equality Duty, the need to advance equality of opportunity and to encourage persons who share a relevant protected characteristic to participate in public life has also been identified as being of importance in the selection of individual candidates.

3.15 With all of the above factors in mind, it is proposed that the composition of the Panel will be as follows :-

- 7 Conservative Members drawn from ruling groups in Leicestershire County Council, Rutland County Council, Melton Borough Council, Charnwood Borough Council, North West Leicestershire District Council, Blaby District Council and Harborough District Council.
- 4 Labour Members, all drawn from the City Council, including one mandatory and three co-opted members;
- Liberal Democrat Members, drawn from ruling groups in Hinckley and Bosworth Borough Council and Oadby and Wigston Borough Council.

3.16 The above would give a total of 15 members on the Panel including the 2 further co-opted independent members. The geographical distribution of membership, not including those independent members, would be :-

- County Council : 62%
- City Council: 31%
- Rutland 8%

3.17 The political balance would be :-

- Conservatives 54%
- Labour 31%
- Liberal Democrats 15%

3.18 It is considered that this best meets the two requirements of political balance and geographical distribution and is recommended to Members.

3.19 It should be noted that the power to determine how many additional members should be co-opted from local authorities and from which authorities resides with the Panel. The decision to appoint an additional 3 members from the City Council can only be taken once the Panel is in existence and will need to be approved by the Secretary of State. However, in order to enable progress to be made and a proposal to be presented to the Secretary of State, the Council is asked to agree to the Panel considering the co-option of the additional 3 members from the City Council.

- 3.20 The Secretary of State has default powers to intervene to take over responsibility for the establishment of Police and Crime Panels or the appointment of membership from a local authority which fails to nominate one or more councillors to a panel. The letter of 15 June 2012 from the Home Office refers to these powers and makes it clear that the Secretary of State does not wish to have to exercise them.

Panel Arrangements

- 3.21 The terms of reference and further Panel arrangements are included in Appendices A and B. Points of particular note, other than those referred to above, are as follows :-

- The term of office of co-opted independent members will be the length of term of the office of the Police and Crime Commissioner
- The selection process for co-opting members will be based upon open competition and appointment made by the Panel following interviews by the Chairman and Vice Chairman
- The terms of office of elected members will be agreed by the local authorities concerned
- Substitutes will be permitted for elected members subject to prior notification
- Payment of expenses and allowances for elected members will be a matter for the individual authorities

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The relevant provisions of the Police Reform and Social Responsibility Act will come into effect on 23 November 2012.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 To be met from existing budgets and resources.

- 5.2 However the County Council was originally advised by the Home Office that £30,000 would be made available to support the work of the Police and Crime Panel. As this was generally regarded as insufficient, a growth bid was agreed by the County Council at its budget meeting on 22 February 2012 of £100K for the operation of the Police and Crime Panel. It is now understood that the Home Office are likely to make funding of £53K available. The Panel arrangements, as set out in Appendix A, enable the County Council, as host authority, to approach the constituent authorities for a contribution in the event that the cost of running the Panel exceeds the Home Office funding.

6.0 LEGAL IMPLICATIONS/POWERS

- 6.1 It is intended that Police and Crime Panels should come into existence on 23 November 2012, following the election of a Police and Crime Commissioner on 15 November. The relevant provisions of the Police Reform and Social Responsibility Act will come into effect on 23 November 2012. However, further regulations and guidance from the Home Office are awaited.

6.2 The steps set out in the recommendations are required in order to establish the Police and Crime Panel and to advise the Home Office of actions taken, as required by the Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012.

7.0 COMMUNITY SAFETY

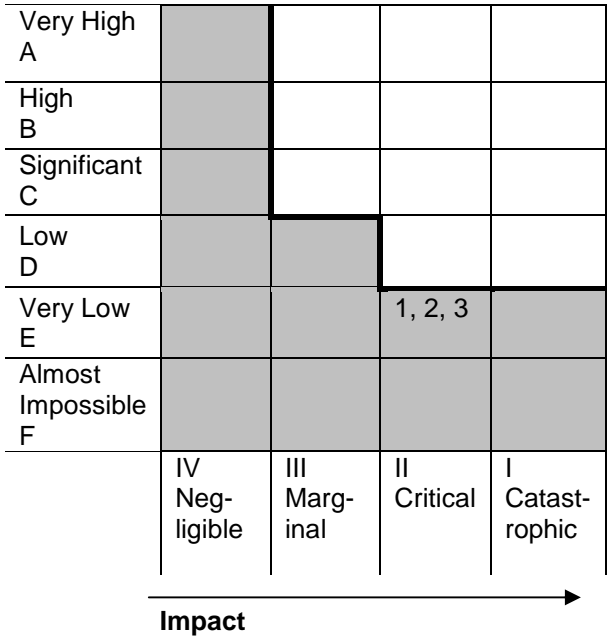
7.1 The Police and Crime Commissioner, when elected, will have a highly visible leadership and influencing role for policing, criminal justice and community safety. The Police and Crime Panel will offer support and challenge to the Commissioner and hold him/her to account on behalf of the people of Leicester, Leicestershire and Rutland.

8.0 EQUALITIES

8.1 The arrangements outlined in this report are intended to ensure that all the populations of Leicester City, Leicestershire and Rutland have a voice on the Police and Crime Panel.

9.0 RISKS

Probability
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Risk No.	Description
1	Failure to agree the Police and Crime Panel's composition and TOR will cause delay in meeting Home Office (HO) deadlines and may cause HO intervention in arrangements
2	Failure to appoint a substitute Member may cause Melton to be unrepresented when making important decisions about Police and Crime matters in the Borough
3	Failure by any other district to agree the composition and TOR of the panel will cause delay in meeting HO deadlines and may cause HO intervention in arrangements

10.0 CLIMATE CHANGE

10.1 There are no direct implications in this report.

11.0 CONSULTATION

11.1 There has been consultation with the Leader and Deputy Leader of the County Council, Chief Executives of the District Councils, senior officers of Leicester City Council and Rutland County Council and Members serving on Community Safety Partnerships and the Leicestershire Safer Communities Strategy Board on the membership and structure of the County's Police and Crime Panel.

11.2 There has been internal consultation with the Leader on this report.

12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officer : Christine Marshall, Monitoring Officer
Date : 9 July 2012
Appendices : Appendix A – Police and Crime Panel Arrangements
Appendix B – Police and Crime Panel Terms of Reference
Appendix C – Political Balance across Leicester, Leicestershire and Rutland
Appendix D – Correspondence with Max Hunt CC

Background Papers : Draft LCC Cabinet Report dated 24 July 2012
Home Office letter dated 15 June 2012
Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012
Police Reform and Social Responsibility Act 2011