

Police and Crime Panel for Lancashire

Meeting to be held on the 20th June 2016

Membership and Host Authority

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Executive Summary

To consider the membership of the Police and Crime Panel and Host Authority arrangements.

Recommendation

Panel is asked to:

i Confirm the political balance of the Panel 2015/16 - Elected Members (plus 2 Independent persons) on the following basis

Labour 10	Conservative 6	Lib Dem 1	Independent Member 1
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ii subject to i) above:

consider the appointments to date made by Lancashire authorities and agree the full membership for 2016/17.

iii To ask the Secretary to arrange New Member Induction before the next full meeting of the Panel.

iv consider and agree the Host Authority arrangements from June 2017 onwards.

Background and Advice

The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Panels (PCP) as formal joint committee of all the local authorities in a police force area, with the following main responsibilities.

- making recommendations on the Police and Crime Commissioners (PCC) Police and Crime Plan and Annual Reports;
- consider the PCCs appointment of a Chief Constable, with the Panel having power of veto over the appointment;
- consider the level of precept to be set by the PCC, again with a power of veto;
- review certain senior appointments by the PCC;
- scrutinise and support the activities of the PCC.

For Lancashire the Police force area includes the County Council, 12 District Councils and the two Unitary Councils. The first meeting of the Police and Crime Panel for Lancashire was held on the 31st July 2012.

Constitution of the PCP

In Lancashire, the Panel was initially made up of 15 Elected Members, one from each Authority. Up to an additional 3 elected members can be added in order to achieve the 'balanced appointment objective' so that when taken together the Members of the Panel represented the political make up of all the relevant local authorities for the police area and had the skills, knowledge and experience necessary for it to discharge its functions effectively. Having considered the provisions in the legislation and options available for applying a political balance to the Panel, it was agreed that the constitution of the PCP for 2012/13 should be based on calculation of current political balances across the whole membership of authorities, with the Independent Members being grouped together as a whole. At that time it was agreed to appoint an additional three Elected Members to achieve political balance and the Home Secretary subsequently approved this basis in order to achieve the political balance objective. This has been the arrangement for the last 3 years.

In addition to the above Members, the Panel also agreed to appoint 2 Independent Co-opted Members, who are not elected representatives, to serve on the Panel until July 2016. In 2015/16 one of these Independent Co-opted members resigned and the Panel appointed Mr Bagdadi for a period of 4 years. Mr Richardson the second originally appointed Independent Co-opted member has now concluded his term of appointment and therefore there is now a vacancy for this municipal year.

A report on the filling of this vacancy is elsewhere on the agenda for this meeting.

It has previously been agreed that Council Members of the Panel would serve a 12 month term on the Panel and that the political balance of the Panel would be reviewed after Local Elections each May.

Following the Local Elections on the 5 May 2016, the political balance has been recalculated and the balance that achieves complete political balance across the 15 Local Authorities is:

18 Elected Members (plus 2 Independent persons) on the following basis

Labour 9	Conservative 7	Lib Dem 1	Independent Member 1
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This reflects the number of seats won across the County and respective Councils.

However this does not equally reflect the respective controlling parties on each Council.

Each Local Authority therefore was consulted on the revised balance of the Panel for 2016/17 as above which resulted in a need to reflect upon how the political balance should be finalised for 2016/17.

Whilst it has not been possible to achieve exact political balance, Local Government Association Guidance [‘LGA’] on Panel Arrangements and the Balanced Appointment Objective states:

‘In some cases it may be difficult to achieve political balance, especially where it is not possible to co-opt additional councillors on to the panel. Councils may not be persuaded to nominate opposition members to achieve complete political balance and as the Home Office legal clarification points out, in recognition of this the Police Reform and Social Responsibility Act states that the balanced appointment objective must be secured ‘as far as is practicable’. As the Home Office has also pointed out, whatever membership is eventually agreed on, the rationale for doing that needs to be robust enough to withstand legal challenge.’

In Lancashire, given the current make-up and controlling influences of Councils, a proposal has been drafted to retain the political balance as the following:

Labour 10	Conservative 6	Lib Dem 1	Independent Member 1
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The Panel may not consider this deviation from the usual methodology wholly unreasonable given that the rationale for the proposal is to seek to achieve a more accurate reflection of the respective controlling parties on each Council. Furthermore the altered proportions are not significantly different in terms of proposed overall numbers of representatives from each party, on the Panel.

As reported previously Local Authorities combined must ‘agree’ to the balance of the Panel and the Home Office has powers to intervene and make appointments if agreement cannot be reached locally, though it has been made clear that the best Panel arrangements are those which are locally determined.

Each Local Authority in the Lancashire Police Area have been consulted and the following representatives have been nominated to date to serve on the Panel for 2015/16:

Local Authority	Representative (s)	Political Party
Lancashire	Julie Gibson	Labour
Blackburn with Darwen	Andy Kay	Labour
Blackpool	Ivan Taylor	Labour
Burnley	Sue Graham	Labour
Chorley	Alistair Bradley	Labour
Fylde	Ben Aitken	Conservative
Fylde	Liz Oades	Independent

Hyndburn	Joyce Plummer	Labour
Lancaster	TBC	Labour
Pendle	David Whipp	Lib Dem
Preston	Robert Boswell	Labour
Ribble Valley	Terry Hill Paul Elms	Conservative Conservative
Rossendale	Adrian Lythgoe	Labour
South Ribble	Peter Mullineaux	Conservative
West Lancs	Kevin Wright	Labour
Wyre	Roger Berry	Conservative
Wyre	Peter Gibson	Conservative

The Panel are asked to consider the constitution of the Panel in view of the above and the requirement to 'agree' the membership in order to achieve the 'balanced appointment objective', including the requirement for the Panel to be politically balanced.

New Member Induction

The Panel last year agreed that all new members should attend an induction session which will be arranged in the Summer months.

Host Authority

Members will recall that at the AGM Meeting held on 8th July 2013, it was agreed that Blackburn with Darwen Borough Council would act as Host Authority for the Panel, with the Host Authority to then rotate between Blackpool Borough Council, Lancashire County Council and Blackburn with Darwen Borough Council in subsequent years.

Lancashire County Council acted as the host authority from inception until July 2013 when Blackburn with Darwen Borough Council accepted the host authority responsibilities. At the Panel's meeting in October 2015 this responsibility was extended for 2016/17 year.

Given the above rotation decision the Panel is asked to consider which Council should act as Host Authority for 2017/18 onwards.

Consultations

All Local Authorities represented on the PCP were previously consulted in relation to the Constitution/Membership and political balance on the Panel.

The Panel has previously considered the Host Authority responsibilities and determined they should rotate between Blackpool Borough Council, Lancashire County Council and Blackburn with Darwen Borough Councils.

Implications:

This item has the following implications, as indicated:

Risk Management

The requirement for an Independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Legal Implications

The legal implications of this report are set out in the body of the report. The Panel is set up in accordance with Part 2 of Schedule 6 of the The Police Reform and Social Responsibility Act 2011. Schedule 6 part 4 [Paragraph 31] makes provision for the duty to produce a balanced panel.

The legislation specifies that Police and Crime Panels must be balanced in terms of geography, politics and the skills, knowledge and experience of panel members.

The LGA guidance further sets out that political balance requires the representation of the political make-up of the relevant local authorities, when taken together. Councillor membership of the panel, when taken together, should reflect the political balance of the force area. Local authorities could look to achieve this, in the first instance, by considering the proportion of councillors from each political party across the force area. This approach is the closest to the spirit of the legislation and reflects the approach taken to police authority membership.

The proposals set out in this report facilitate the Panel considering and delivering the Balanced Appointment Objective when finalising their membership for 2016/17 as far as is practicable.

Local Government (Access to Information) Act 1985 List of Background Papers

Responses received from
Individual Local Authorities
regarding nominated
Representatives

May/June 2016

David Fairclough
Secretary to the Police
& Crime Panel

Reason for inclusion in Part II, if appropriate N/A