

Police and Crime Panel for Lancashire
Meeting to be held on the 23rd January 2017

Membership and Host Authority

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Executive Summary

To confirm the membership and substitution rules for meetings of the Committee.

Recommendation

1) The Panel is asked to agree that the political balance of the Panel for 2016/17 - Elected Members (plus 2 Independent persons) remains on the following basis

Labour 10	Conservative 6	Lib Dem 1	Independent Member 1
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2) To note that under the Lancashire Police & Crime Panel Arrangements as approved on 15th November 2013, each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel.

Background and Advice

The panel received a report on the Police Reform and Social Responsibility Act 2011 requirements in respect of the constitution of Police & Crime Panels at their AGM in June 2016 and also in October 2016. The panel will be aware 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 take 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.

It has also 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. At the AGM in June the Panel noted that following the Local Elections on the 5 May 2016, the political balance had 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 reflected the number of seats won across the County and respective Councils.

However this did 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 was 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 at the AGM in June considered this option and an alternative option based on 9-7-1-1 as outlined above. However the Panel could not agree this

alternative option but did determine that a further consultation would be undertaken with Member Authorities to ascertain if any controlling group would release a seat on the Panel to achieve this alternative option. The Secretary on behalf of the Chair contacted all Councils on 24th June 2016, 8 July 2016 and 21st October 2016 but did not receive any proposals for a change of their nominated person (seat) on the Panel. In the circumstances the panel must now confirm their membership and it is proposed that the Panel confirm:

Labour 10	Conservative 6	Lib Dem 1	Independent Member 1
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As reported in previously, 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.

Also 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 2016/17:

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	Brendan Hughes	Labour
Pendle	David Whipp	Lib Dem
Preston	Robert Boswell	Labour
Ribble Valley	Terry Hill Paul Elms	Conservative Conservative
Rosendale	Adrian Lythgoe	Labour
South Ribble	Peter Mullineaux	Conservative
West Lancs	Kevin Wright	Labour
Wyre	Roger Berry	Conservative
Wyre	Peter Gibson	Conservative

The Panel are now 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.

It has also been a concern that the attendance at the meetings has on occasion been limited and that some members have not yet attended an induction session. The pattern of attendance and induction record is:

Panel Representative	Authority	20 June 2015	19 Oct 2016	Attendance Induction
Councillor A Bradley (Chair)	Chorley BC	√	√	√
Councillor A Lythgoe	Rossendale BC	Apols	Apols	X
Councillor A Kay	BwD BC	√	Apols	√
Councillor J Gibson	Lancashire CC	Apols	Apols	X
Councillor I Taylor	Blackpool C	√	√	X
Councillor S Graham	Burnley BC	Apols	Apols	X
Councillor J Plummer	Hyndburn BC		Apols	X
Councillor B Hughes	Lancaster CC	Apols	√	√
Councillor R Boswell	Preston CC	Apols	√	√
Councillor B Aitken	Fylde BC	√	√	√
Councillor D Whipp	Pendle BC	√	√	√
Councillor T Hill	Ribble Valley BC	√	Apols	√
Councillor P Elms	Ribble Valley BC	√	√	√
Councillor J Mort	South Ribble BC		Apols	X
Councillor K Wright	West Lancs BC	Apols	Apols	X
Councillor R Berry	Wyre BC	√	√	√
Councillor P Gibson	Wyre BC	√	√	X
Councillor L Oades –	Fylde BC	Apols	Apols	X
Vacancy (Co-optee voting)	Independent co-opted mbr	X	X	X
Mr A Baghdadi (Co-optee voting)	Independent co-opted mbr	√	√	X

Members of the Committee are reminded that under the Lancashire Police & Crime Panel Arrangements as approved on 15th November 2013, each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel. This substitute member will be permitted to act as a substitute member with full voting rights at meetings of the panel and any task Groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the Panel member is an independent councillor, then any substitute must also be an independent member. Substitute Members can also

attend Induction sessions so they are fully familiar with the role, function and responsibilities of the Panel.

Consultations

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

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 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.

The arrangements for substitute members are on accordance with the approved Lancashire Police & Crime Panel Arrangements as agreed by the Panel at their meeting on 15th October 2013.

Local Government (Access to Information) Act 1985

List of Background Papers

Responses received from
Individual Local Authorities
regarding nominated
Representatives

May/June/July 2016

David Fairclough
Secretary to the Police
& Crime Panel

Lancashire Police & Crime
Panel Arrangements

October 2013

David Fairclough
Secretary to the Police
& Crime Panel

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