

Police and Crime Panel for Lancashire

Meeting to be held on the 6th July 2020

Membership Update

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Executive Summary

To consider the membership of the Police and Crime Panel.

Recommendation

Panel is asked to:

1. Confirm the political balance of the Panel 2020/2021 - Elected Members (plus 2 Independent persons)
2. Subject to 1 above consider the appointments to date made by Lancashire authorities and agree the full membership for 2020/21 including additional elected members if required in the light of advice from the Home Office as considered at the meeting of the Panel on 9th December 2019.
- 3, Note that the Induction and Introduction to the role and function of the Police and Crime Panel be scheduled for the agreed Panel Membership prior to the next meeting of the Panel

1 Membership Update 2019/20

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.

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

As previously reported, 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 be based on calculation of the then political balances across the whole membership of authorities, with the Independent Members being grouped together as a whole. At that time, it was also 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 was the arrangement up until last year (2019/20) when the Panel could not agree the appointment of the additional 3 elected member seats to assist the political balance.

In December 2019 the Panel decided that the appointment of these 3 seats be revisited at this Annual General Meeting for the year 2020/21.

It was also previously 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 the Local Elections each May. After the elections, each Council being invited to nominate their representative for the Panel. Although there have been no elections this year, the Councils have still been requested to confirm their nominations for this new municipal year given the previous agreement that Council Members would serve 12 monthly terms.

In addition to the above Members, the Panel also appoints 2 Independent Co-opted Members, who are not elected representatives, to serve on the Panel. Both these Co-opted seats have become vacant in recent months and a recruitment process for these seats is set out separately on this Agenda.

From nominations received for 2020/21 the Panel's core membership of 15 Councillors (plus 2 co-opted members) resulted in a political balance of

Labour 10	Conservative 4	Lib Dem 1	Independent Member 0
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As discussed last year, the Regulations and Guidance however require the Panel to seek to be politically balanced. To assess the balance, all the current council seats held from across Lancashire, were added together to identify the target balance that would achieve political balance which would be:

Labour 6	Conservative 6	Lib Dem 1	Independent Member 2
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As discussed at previous meetings, the Regulations and Guidance then provide for the Councils as a first step in terms of seeking to address any such issue arising, invite the core member councils to reconsider their individual nominations to see if this would bring the balance more into line, i.e. to seek to achieve the political balance objective.

At the AGM last year and subsequently as discussed by Lancashire Leaders, however it was reported no Council in 2019/20 was agreeable to changing their nomination.

If however a change is made in nominations following the publication of this Agenda this will be reported and this report updated at the meeting.

In anticipation however that the position may remain unchanged from last year, i.e. no Council is willing to change their nomination, the next step, is to then seek to add councillor membership up to the maximum of 18 elected members to seek to address the political balance objective. This was the action taken up to 2019/20 by the Panel to seek to address this issue to the best possible outcome within the restrictions of the regulations. The additional 3 seats proposed and the names of those proposed additional councillors require however the unanimous agreement of the 15 Council's core membership. These Councillors would also require the approval of the Home Office with an explanation of the reasoning for their appointments.

An 18 seat (Councillor membership) would result in an amended ideal political balance of:

Labour 8	Conservative 7	Lib Dem 1	Independent Member 2
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As referenced above in the absence of a council(s) under stage 1 of the process not wishing to agree a change of nomination a proposal is presented to the AGM for the following utilisation of the potential additional 3 seats for 2020/21 (subject to Home Office approval).

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

Labour 10	Conservative 7 (+3)	Lib Dem 1	Independent Member 0
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The Secretary advises the Panel that whilst the option does not make it possible to achieve the exact political balance, the Local Government Association ['LGA'] Guidance 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.'

The Secretary has also advised that the Local Authorities combined must 'agree' to the balance of the Panel and that 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.

On 1st October 2019 the Home Office wrote to respond to the Panel as regards the issue of membership and the 'balanced appointment objective'. A copy of the response was circulated to Lancashire Leaders and Panel Members on 10th October 2019.

The Home Office have confirmed the advice of the Secretary that:

"It is the responsibility of the Panel to agree nominations which are acceptable to all of its members. As noted in your letter, the balanced appointment objective must be secured 'as far as reasonably practicable' – if you feel the disagreement on co-option is irreconcilable, then the Panel may have reached the limit of this definition."

Given this advice that Panel are asked to confirm their membership for 2020/21 as a minimum of the current 15 members plus 2 independent persons or in the alternative the Panel could review co-opting additional elected members, under the balanced appointment objective (example option above). However these additional 3 seats would need to be agreed by the whole Panel and then be approved by the Secretary of State.

In addition given there was no induction process in 2019, the Panel agree the final membership once approved attend an Induction and Briefing on the role and function of the Police and Crime Panel in advance of the next full meeting of the Panel.

Consultations

All Local Authorities represented on the PCP are consulted in relation to the Constitution/Membership and political balance on the Panel as set out in this report.

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 and secure that (as far is reasonably practicable) the balance appointment objective is met.

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

In particular, the LGA guidance explains the legal requirement to have a Panel that represents all parts of the police area and represents the political make-up of the relevant local authorities, when taken together.

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.

The legislation also requires that the “balanced appointment objective” includes that the Panel members (when taken together) “have the necessary skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively”.

The Home Office confirmed as reported in December 2019 how the legislation should be interpreted in respect of the balanced appointment objective.

Local Government (Access to Information) Act 1985

List of Background Papers

Responses received from
Individual Local Authorities
regarding nominated
Representatives

June/ 2020

David Fairclough
Secretary to the
Police & Crime Panel

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